City of Newburgh Council Work Session

July 10, 2014

6:00 p.m.

AGENDA

1. Economic and Community Development/Real Estate:

   a. Reminder: the public hearing regarding the revised Chapter 300 "Zoning" of the Code of the City of Newburgh will continue on Monday, July 14, 2014.
   b. (Res. 164) Declaring lead agency under State Environmental Quality Review Act with respect to the adoption of the revised Chapter 300 Zoning of the Code of Ordinances.
   c. Reminder: the public hearing regarding the community development need for 2015 will be held on Monday, July 14
   d. Newburgh Community Land Bank request for City-owned properties (see attached letter)
   e. Habitat for Humanity of Greater Newburgh request for 16 Wilkin Street (see attached letter)

2. Grants/Contracts and Agreements:

   a. (Res. 165) Authorizing the application and the acceptance if awarded of a grant from the US Department of Justice for the COPS Hiring Program in an amount not to exceed $1,072,116.24.
   b. (Res. 166) Authorizing the application and acceptance if awarded of a grant from the US Department of Justice for the COPS Community Policing Development Program in the amount of $100,000.00.
   c. (Res. 167) Authorizing a license agreement with the House of Refuge in order allow access to City-owned property on which to hold the Tuesday Farm Market
   d. (Res. 168) Agreement with Orange-Ulster Board of Cooperative Educational Services for the 2014 Summer Youth Program.
   e. (Res. 169) Authorizing a four-month extension to the lease with Memorare realty Holding Corp. for the continued lease of property known as the ferry parking lot.
   f. (Res. 170) Authorizing the acceptance of Aid to Localities Funding from Senator Larkin in the amount of $75,000.00 to be used by the Police Department for law enforcement purposes.
   g. New York Industries for the Disabled for the cleaning of City Buildings – (proposal to be submitted before work session)

3. Engineering:

   a. Consolidated Iron site update

b. (Res. 171) Accepting the proposal from Arcadis for professional engineering services related to the South Water Street Sewer Separation Project.
c. (Res. 172) Declaring the sewer main failure along Third Street between Grand and Liberty Streets as an emergency under NYS General Municipal Law, authorizing a contract with TAM Enterprises to perform the necessary repairs and amending the 2014 Budget by transferring funds in the amount of $70,000.00 from Sewer Fund/Contingency to Sewer Fund/Sanitary Sewers Other Services.
d. (Res. 173) Memorializing the City's support of the Quassaick Creek Management Plan.

4. Finance:

a. (Res. 174) Adoption of a Surplus Property Disposition Policy and Procedure
b. (Res. 175) Authorizing an amendment to the 2014 Budget to transfer funds from Parking Violations Bureau to Police Department providing for one additional police officer.
c. Reminder: Monthly Comptroller's report will be presented on Monday night

5. Discussion

a. (Res. 176) Scheduling a public hearing for August 11, 2014 to receive comment concerning a local law adding a chapter to the Code entitled "Tobacco".
b. Review of draft amendments to Chapter 72 of the Code regarding the committee presently known as the Police Community Relations Advisory Board. (see draft ordinances)
c. Service Contract Monitoring – Councilwoman Mejia
d. Snow Emergency Signage – Mayor Kennedy
e. Discussion of the City of Kingston's Tenant Accountability Act – Mayor Kennedy
f. Tag Sales

6. Executive Session:

a. Proposed and Pending Litigation

RESOLUTION NO.: 164 - 2014

OF

JULY 14, 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH DECLARING ITSELF TO BE LEAD AGENCY UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE ADOPTION OF THE REVISED CHAPTER 300 ENTITLED "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND ACCEPTING PART 3 OF THE ENVIRONMENTAL ASSESSMENT FORM

WHEREAS, the City of Newburgh is proposing to adopt a revised Chapter 300 entitled "Zoning" of the City Code of Ordinances of the City of Newburgh; and

WHEREAS, the City of Newburgh proposes to undertake the adoption of the revised Chapter 300 entitled "Zoning" in compliance with the terms of State law and does hereby wish to review the project in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, by Resolution No. 100-2014 of April 28, 2014, in compliance with SEQRA, the City Council of the City of Newburgh declared its intent to assume Lead Agency status, classified the project as a Type I action, proposed to accept as complete an Environmental Assessment Form and referred the proposed Chapter 300 entitled "Zoning" to and the Orange County Planning Department pursuant to General Municipal Law Section 239-m; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh now wishes to assume Lead Agency status and consider Part 3 of the Full Environmental Assessment Form;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares itself to be Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and

2. That this Council proposes to accept Part 3 of the Environmental Assessment Form ("EAF") attached hereto.

1. INTRODUCTION

This document constitutes the "Reasons Supporting This Determination" portion of Part 3 of the Environmental Assessment Form (EAF) for the City of Newburgh Zoning Code Update. This Part 3 of the FEAF provides additional information to assist the Newburgh City Council, as Lead Agency under the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617), to make a determination on whether the Proposed Action will have significant adverse environmental impacts. This EAF was prepared pursuant to all SEQRA regulations and includes sufficient information for the City Council to make a reasoned determination on environmental significance. Adoption of the Zoning Code Amendments and Zoning Map are considered a Type I action under the State Environmental Quality Review Act (SEQRA).

The Proposed Action would result in numerous revisions to Chapter 300 of the Newburgh City Code to update the zoning code and map to support the implementation of the City's adopted planning documents and studies, including in particular the Future Land Use Plan. The proposed amendments would take effect city-wide with certain actions having specific geographic applications, including the creation of four Form-Based Districts in downtown Newburgh.

It should be noted that additional SEQRA review will be required for development applications seeking approvals from the City, in accordance with the proposed zoning text amendments, should they be adopted. This environmental review analyzes the potential generic impacts associated with the Proposed Action and generic development projected to occur under the Proposed Action, not any potential impacts specific to site conditions associated with future development applications.

The Proposed Action comprises the following actions being considered by the Newburgh City Council, acting as Lead Agency under SEQRA:

- Repeal existing Zoning Code
- Adopt new Zoning Code
- Amend existing Zoning Map

1.1. DESCRIPTION OF PROCESS

The process to update the Zoning Code began in January 2013 with the formation of a Zoning Advisory Team, comprised of City officials, staff, and board members, as well as leaders of various community groups. The Advisory Team was charged with updating the City's zoning code and zoning map incorporating recommendations of the City's previously adopted planning documents, including in particular the Future Land Use Plan. The Advisory Team included the following members:

- Mayor
- Corporation Counsel
- Code Compliance, Commissioner
- Building Inspector
- City Planner
- Planning Board, Chair
- Zoning Board, Chair
- City Council Representative
- Waterfront Advisory Committee, Chair
- Quassaick Creek Advisory Committee, Chair
- Industrial Development Agency, Chair
- Architectural Review Commission, Chair
- Newburgh Business Association CAT, Chair
- Greater Newburgh Partnership, Chair
- Newburgh Christian Ministerial Fellowship, Chair
- Newburgh Armory Unity Center, Chair
- Community Voices Heard, Lead Organizer
- Latinos Unidos, Chair
- Independent Living, Executive Director
- Orange County Citizens Foundation, President
- Board of Education, Newburgh Enlarged City School District, President
- Orange County Planning Department, Commissioner

The Executive Director of the Greater Newburgh Partnership (GNP) and the City Manager served as an Ex Officio members of the Advisory Team and were supported by the Assistant to the City Manager, and the Director of Administration and Grants for GNP. The process was funded by the Greater Newburgh Partnership, who engaged the services of AKRF, Inc., a professional planning and environmental consulting firm.

Over the course of 2013, the Advisory Team met approximately 17 times to draft the Zoning Code Update. Minutes from these meetings were posted on the City's website and on GNP's website. In addition, Advisory Team members served as information conduits to their constituency groups reporting on project progress and soliciting feedback. When the draft Zoning Code Update was complete, the Advisory Team convened two public engagement sessions to solicit community input on the draft updates before formally presenting its recommendations to the City Council. The public engagement sessions were held on February 8 and February 12, 2014 at the Newburgh Free Library. The presentation from these sessions, as well as a summary of the questions and answers from the sessions, were posted on both the City's website and on GNP's website.

The City Council was also directly informed of the Team's progress during the drafting of the updates. Formal presentations were made to the Council on July 11, 2013 and January 9, 2014. On February 24, 2014, the City Council formally received and accepted the Advisory Team's recommended Zoning Code Update and agreed to commence the environmental review. At that time, the full text of the proposed Zoning Code Update was posted on the City's website and on GNP's website.

1.2. PURPOSE & NEED

The stakeholders involved with interpreting the City's existing Zoning Code agree that the existing code simply does not work well for the City. Property owners have struggled with zoning regulations that do not match the existing land use pattern within the City. For example, much of the City's residential areas have minimum lot sizes that few, if any, existing lots meet. This requires applicants to seek a variance from the Zoning Board of Appeals on even the most routine matters. Those tasked with implementing the Zoning Code also find it difficult. The steps required to process applications and move them to the appropriate board (or boards) for review and approval is cumbersome.

In addition, after decades of declining population, the City of Newburgh began experiencing population growth in the early nineties. While the growth has been modest, the City has recognized the need to appropriately plan for this change. The City also recognized the opportunity presented by this growth trend to revitalize parts of the City that have long been neglected. Accordingly, in the mid-2000's, the City began updating its Planning Documents. In 2008, the City adopted *Plan-It Newburgh*, the City's sustainable Master Plan, followed in 2011 by the adoption of the *Future Land Use Plan*, which described and mapped the City's desired land use goals. In 2012, the City adopted a report by the Pace Land Use Law Center on streamlining the Land Use review and approval process.

Concurrently, the City began drafting an update of its Local Waterfront Revitalization Plan and commissioned several other studies, including *Newburgh 2020*, and the *Liberty-Grand Street Heritage Corridor* report. In 2007, the City undertook an extensive waterfront planning charette process facilitated by world-renowned planner Andres Duany. Duany, on behalf of the Leyland Alliance, a potential developer of the waterfront, engaged the City's residents and business owners on their vision for the waterfront and summarized the results of this process in a Charette Report.

The task of the Zoning Advisory Team was, therefore, to consider all previously adopted documents, and focus on their implementation, by updating the Zoning Code and Zoning Map. Specifically, the purpose and need of the Zoning Code Update is to:

- Align the Zoning Code and Zoning Map with the City's previously adopted plans, studies and reports, including the *Future Land Use Plan;*
- Recognize the existing urban pattern of development (in terms of mix of uses, lot sizes, and setbacks) as the template for continued and future development within the City;
- Streamline the land use application and review process; and
- Encourage economic development and focus this development in previously identified areas of the City.

2. EXISTING CONDITIONS

2.1. PLANNING BACKGROUND

The City of Newburgh has prepared numerous planning documents and studies to guide growth and development City-wide including:

- Plan-It Newburgh Sustainable Master Plan (2008)
- Future Land Use Plan (2011)
- Pace Streamlining Newburgh's Land Use Process Final Recommendations (2012)
- Local Waterfront Revitalization Program (LWRP) (2008 Draft, Current Draft)
- Newburgh Waterfront Charette (2007)
- Liberty-Grand Street Heritage Corridor (2007)
- Liberty Street Corridor Commercial Implementation Strategy, Newburgh 2020 (2009)

Many of these planning documents and studies have been adopted but the planning strategies and recommendations within these studies have yet to be implemented. Further, the existing Zoning Code has been an impediment to the implementation of the planning strategies recommended within these documents and studies. As described in more detail below, the proposed Zoning Code Update is consistent with and advances the goals of the City's existing planning documents.

In addition, several regional planning studies and reports helped shape the proposed Zoning Code Update, including:

- Newburgh Area Transportation and Land Use Study (2012)
- Orange County Design Manual (Adopted by Orange County, 2011)

2.2. EXISTING LAND USE PATTERNS AND ZONING

The City contains a broad mix of residential, commercial, industrial, institutional, and open space uses (**Figure 1**). Most of the lower density residential uses are focused north of Broadway, while the eastern portion of the City tends to have more dense residential uses. The Broadway corridor, which serves as the City's commercial spine, includes a variety of retail, service, restaurant and other commercial uses and many mixed-use parcels. The same is true along much of Liberty and Grand Street. Much of the waterfront is currently vacant or underutilized, as are several large lots between the waterfront and the end of Broadway. **Figure 2** shows the existing Zoning Map for the City of Newburgh.

2.3. POPULATION TRENDS

According to the U.S. Census, Newburgh's population peaked at 31,956 in 1950. (**Table 1**) Over the next 30 years, the City's population decreased by more than 28 percent to a low of 22,863 in 1980. Since then, Newburgh's population has increased by roughly 6,000 persons, (26 percent), to 28,866 according to the 2010 Census. The current level of Newburgh's population is approximately 10 percent lower than its 1950 peak.

Table 1
City of Newburgh Population

Year	Population	Change from Previous
2010	28,866	2.1%
2000	28,259	6.8%
1990	26,454	15.7%
1980	22,863	-12.8%
1970	26,219	-15.4%
1960	30,979	-3.1%
1950	31,956	0.2%
1940	31,883	1.9%
1930	31,275	3.1%
1920	30,336	9.1%
1910	27,805	11.4%
1900	24,949	
Sources: US Census		

3. DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action would update and bring the City's Zoning Code in line with the City's adopted Future Land Use Plan and various other planning and policy documents and studies. The Proposed Action for purposes of environmental review comprises the following actions being considered by the City Council of the City of Newburgh, acting as Lead Agency under SEQRA:

1) Adoption of the Proposed Zoning Amendments - Revisions to Chapter 300 (including the Schedule of Bulk, Area, and Parking Regulations and Schedule of Uses, and a Form-Based Code Component)

2) Adoption of City's Zoning Map

3.1. PROPOSED ZONING AMENDMENTS

The Proposed Action is a rewrite of the existing City of Newburgh Zoning Code (Chapter 300) into a hybrid land-use based (Euclidean) and Form-Based ordinance incorporating innovative zoning techniques designed to encourage mixed-use development, redevelopment, and adaptive reuse in appropriate locations. As part of the Proposed Action, numerous amendments and revisions to the Zoning Code are proposed including changes to the Zoning Map. The proposed Zoning Code Amendments are intended to implement the recommendations in the City of Newburgh Future Land Use Plan, adopted by the City Council in 2011. The primary objectives of the proposed Zoning Amendments are to: clarify and streamline the approvals process so that it is predictable, efficient and fair; protect the City's open space, groundwater and surface water resources; provide an array of housing choices; and provide use, bulk and area requirements that reflect the City's current urban development pattern.

The proposed Zoning Code Amendments would: support the goals and objectives presented in the City's planning documents and studies; significantly reduce the volume of development applications that currently require variances by implementing use, bulk and area requirements that are consistent

with the City's existing development pattern; streamline the planning and zoning application process by creating an administrative approval for applications that meet as-of-right zoning criteria; and create a vibrant 24-hour community by allowing a mix of residential and commercial uses along the Broadway corridor and several other key neighborhoods, where this type of development would be appropriate.

These proposed changes would benefit the City of Newburgh, by protecting the City's key natural resources and community character, supporting the economic viability of the City and meeting the goals and objectives of the City's land use policies. Making the Code more consistent with existing development patterns and streamlining the application process would save property owners and the City significant time and expense by reducing the need for variances and cutting staff time spent reviewing applications. It is anticipated that this would create a business-friendly environment and encourage investment in Newburgh by facilitating the development process. The proposed zoning would be consistent with best planning practices by encouraging infill in the downtown area, promoting good urban design, and prioritizing and supporting pedestrian activity.

This summary highlights some of the key points and sections of the proposed Zoning Code Amendments.

3.2. ZONING DISTRICTS

The Proposed Zoning Code Amendment includes eleven (11) land use districts (four of which are form-based districts) and four (4) overlay districts. These districts are shown in the proposed Zoning Map (see **Figure 3**) and summarized below. The proposed land use and overlay districts, and map revisions reflect the City's desire to protect its community character by guiding residential and commercial development to appropriate locations throughout the City, while supporting the City's goal to promote economic development.

3.2.1. LAND USE DISTRICTS

Planned Office District (PO). The purpose of the PO is to provide for thoughtful well-designed office park type development projects, including medical office; research and development; and higher density office parks to promote and encourage high-quality employment opportunities for City of Newburgh residents and economic development for the region as a whole. Design standards and requirements for this district are intended to make it compatible with the surrounding residential areas, including buffers from the adjacent areas. Residential development is not permitted as-of-right in this district.

Commercial District (CD). The purpose of the CD is to provide for a range of commercial uses within focused areas that are already developed primarily with similar uses. As-of-right uses within the CD include: activity facilities and amusement centers; billiard parlors; commercial office and service commercial uses; and institutional/educational uses. Residential development is not permitted as-of-right in this district. The location of and regulations for the Commercial District are consistent with those recommended in the adopted Future Land Use Plan.

Conservation Development District (CDD). The purpose of the Conservation Development district (CDD) is to encourage conservation of environmental resources in exchange for flexibility in bulk and area requirements and the potential for granting more intensive development if conservation goals are achieved. The primary

conservation goals of the CDD are to: preserve and enhance open space, scenic views and environmentally sensitive features; protect steep slopes by preserving vegetative cover to minimize the impacts of erosion and sedimentation; provide opportunities for on-site stormwater management and groundwater recharge; encourage flexibility in the design of residential land uses that may not be permitted under traditional zoning regulations; promote a range of housing types; create on site recreation opportunities, and promote integration with neighboring land uses through trails and waterfront access points. Generally, density and dimensional standards in the CDD shall be approved by the City Planning Board based on the physical characteristics of the site; however, the number of dwelling units allowed in a CDD would be equal to the gross area of the CDD site, less environmental resources, divided by 3,000 square feet. The City Planning Board may grant a 20 percent density bonus if the proposed development substantially advances the environmental protection goals of the district. Development in the CDD also requires that 50 percent of the net land area of the parcel be preserved as open space by a permanent conservation easement or deed restriction. The location of and regulations for the CDD are consistent with those recommended in the adopted Future Land Use Plan.

Industrial District (IND). The purpose of this district is to allow industrial and related uses where they are currently located, in areas that are well buffered from adjacent uses. Uses permitted by right in the IND include gas and automobile service stations and car washes, dry cleaners and commercial laundry facilities, cottage industries, boat repair and other lower intensity industrial type uses. Residential development is not permitted as-of-right in the district. The location of and regulations for the IND are consistent with those recommended in the adopted Future Land Use Plan.

Residential – Low Density (R-Low). The purpose of this district is to promote lower density residential development and associated institutional and recreational uses that are consistent with the existing development patterns in the City of Newburgh. Uses permitted by right in the R-Low District include: one and two family detached dwellings on 5,000 square foot lots for new construction and three and four family dwellings on 5,000 square foot lots within existing buildings. The location, proposed density and uses allowed in the R-Low District are consistent with those recommended in the adopted Future Land Use Plan.

Residential – Medium Density (R-Med). The purpose of this district is to promote medium density residential development including apartment houses, cooperative and boarding houses, one and two family detached dwellings, attached dwelling units (townhouses) and three or four family dwelling units on 3,500 square foot lots and associated institutional and recreational uses that would be consistent with residential uses and the existing development pattern in the City. The location, proposed density and uses allowed in the R-Low District are consistent with those recommended in the adopted Future Land Use Plan.

Residential – High Density (R-High). The purpose of this district is to provide areas for more intensive residential development including apartment houses, multi-family and attached dwelling units and other higher density residential development on 2,000 square foot lots and associated non-residential commercial, institutional and recreational uses that are consistent with the existing development pattern in the City and will enrich the urban environment. The location, proposed density and uses

allowed in the R-Low District are consistent with those recommended in the adopted Future Land Use Plan.

3.2.2. *FORM-BASED DISTRICTS*

In addition to the use-based (Euclidean) districts defined above, the Proposed Zoning Code Amendment includes a provision for four form-based districts: 1) Broadway Corridor (BC); 2) Downtown Neighborhood (DN); 3) Planned Waterfront District (PWD) and 4) Waterfront Gateway (WG). Application of the form-based districts facilitates the implementation of a community plan by regulating the form and mass of buildings in relation to one another, and the scale of streets and blocks. The regulations and standards developed for the form-based districts are presented both in words and diagrams, which are keyed to a plan that designates the appropriate form and scale (and therefore, character) of development, rather than only through distinctions in land use types. The guidelines for the four proposed form-based districts regulate the use, bulk, area, and design of new construction to promote walkable and vibrant mixed-use neighborhoods. The regulations for the form-based districts supplement those regulations found in the rest of Chapter 300 and provide specific details on the form of development that is encouraged and allowed in these key areas. Specifically, the form-based districts would:

- Focus on the importance of building types and the relationship of one building to another;
- Allow flexibility and variety with respect to uses within buildings and within a zoning district;
- Help ensure new development is compatible with the existing urban fabric of downtown Newburgh;
- Provide guidelines for the redevelopment of the waterfront;
- Provide clarity to developers about what is desired and allowed; and
- Streamline the application and approval process for projects meeting the requirements of the Form-Based code by eliminating the need for Planning Board approval (except in the PWD, where Planning Board review and approval would still be required).

A description of the four proposed form-based districts is provided below.

Broadway Corridor (BC). The BC district generally encompasses lots along Broadway from West Street to Grand Street. The purpose of the form-based BC district is to encourage the existing shop-front/Main Street form that currently characterizes this key commercial corridor. To foster a more vibrant pedestrian oriented environment, the code allows ground-floor retail uses with residential or additional commercial space on the upper floors. Residential buildings (without any commercial component) are allowed as-of-right, but they must follow the design guidelines for the BC district.

Downtown Neighborhood (DN). The DN district generally encompasses the neighborhoods to the north and south of Broadway mostly along Liberty and Grand Streets. The DN district includes the Liberty/Grand Street Heritage Corridor and contains a number of historic properties, which would be subject to the additional

regulatory requirements. The primary purpose of the form-based DN district is to encourage small scale mixed-use buildings with a shop-front style form, and compact detached homes with small side years. On Liberty and Grand Streets, the shop-front and mid-rise building types are preferred.

Planned Waterfront District (PWD). The PWD includes the area between Water Street and the Hudson River, which is the historic heart of Newburgh and has been, and is expected to be, the catalyst for the revitalization of the City. The goal of the PWD is to encourage a mix of residential, commercial, cultural, recreational, water-dependent and water-enhanced uses to revitalize the waterfront. Structures within the PWD must not prevent or obstruct protected Hudson River waterfront viewshed corridors, must be oriented to reflect the importance of the River and should encourage a vibrant pedestrian oriented environment. Shop-front, rowhouse, and civic building types are encouraged in the PWD. Development in the PWD requires provision of public access to the waterfront, an open space set-aside Site Plan Approval from the Planning Board. While the adopted Future Land Use Plan did not specifically define a form-based code for this area, the uses and the requirements in the PWD are consistent with those recommended in the adopted Plan.

Waterfront Gateway (WG). The WG district includes areas to the north and south of Broadway between Grand and Water Streets and abuts the three other form-based districts (BC, PWD and DN). The district offers development parcels with dramatic Hudson views and is suitable for pre-eminent or key featured buildings. The goal for the form-based WG district is to encourage pedestrian activity and maximize new higher density residential and commercial development. To achieve this goal, various building types are encouraged including mid- and high-rise buildings with ground floor shop-fronts along Broadway, civic buildings, and higher density mixed-use and commercial north and south of Broadway.

3.2.3. OVERLAY DISTRICTS

An overlay district is designed to add additional restrictions or opportunities for land that lies within its boundaries. It is called an "overlay" because it is typically mapped on top of an "underlying" zoning district. The regulations in the "underlying" district remain in place except to the extent that the overlay district provisions provide supplemental regulations (use or dimensional parameters) to the underlying zoning district. The overlay districts do not prohibit development, but rather require a more careful review process.

Waterbody Protection Overlay (WPO). The WPO is established to promote the ecological health, biodiversity and natural habitats of and provide special protection to the City's creeks, stream corridors and waterbodies. The purpose of the WPO is to regulate land uses within or adjacent to a stream corridor or waterbody to protect water quality, biodiversity, scenic resources and reduce the risk of damage from flooding. The entire Quassaick Creek Watershed, which originates in Ulster County, and drains the northeastern portion of Orange County, flows through the City of Newburgh. It is therefore imperative to the protection of public health, safety, and welfare to appropriately manage development adjacent to this critical resource. The WPO includes and regulates all lands within 100 feet of the top of the bank on each side of the following waterbodies: Quassaick Creek; Gidneytown Creek; Harrison

Pond; Unnamed Pond east of Harrison Pond and west of Gidneytown Creek; Crystal Lake; Muchattoes Lake; Unnamed Ponds (2 Ponds) southwest of Crystal Lake; the Unnamed Stream that flows into and out of Crystal Lake and is tributary to the Quassaick Creek; and that portion of the Hudson River that is not within the PWD zoning district. Where there is no clearly defined bank, the district boundary shall be measured from the mean high-water line of the waterbody. All parcels having any part within the WPO shall be subject to Site Plan review and approval and may not be exempted from that requirement.

Neighborhood Commercial Overlay (NC). The purpose of the NC district is to provide areas within residential neighborhoods for local scale commercial development. The NC overlay recognizes the existing development pattern along the westernmost portion of Broadway and allows multiple uses within buildings and within lots in order to promote market-driven uses and redevelopment within targeted areas of the City, as identified in the Future Land Use Plan. The type of commercial uses encouraged within the NC include retail and service establishments, which cater to frequently recurring needs of nearby residents. Uses permitted by right in the NC overlay district include: retail stores, restaurants, personal services, professional offices, animal care facilities, child care facilities, adult day care facilities and technical schools. Bulk and area requirements for the uses permitted by right in the NC overlay district are the same as for the underlying zoning district.

East End Historic District and Colonial Terraces Design District Overlay. The purpose of these overlay districts is to provide additional regulatory protection, protection and additional oversight of individual buildings and sites that have recognized historic and design significance within the City's two established historic and design districts. Activities within the East End Historic District and the Colonial Terraces Design District are reviewed by the Architectural Review Commission with guidance from the "*East End Historic District Guidelines*" duly adopted by the City Council by Ordinance No. 2-2008, dated February 25, 2008 and the "*Colonial Terraces Design Guidelines*" duly adopted by the City Council by Ordinance No. 3-2005, dated June 20, 2005.

3.3. OTHER PROVISIONS

As previously noted, the Proposed Action includes a complete revision of Chapter 300 of the City of Newburgh Code to incorporate recommendations presented in the adopted Future Land Use Plan, better accommodate the existing development pattern, and streamline the review and approvals process. In furtherance of those goals, Articles have been reordered and revised, including Administrative Procedures, Supplementary Regulations, Off-Street Parking and Loading, Non-Conforming Uses and Structures, Site Plan Application and Approval, Zoning Board of Appeals and Enforcement, Severability. Generally, revisions to the aforementioned Articles include provision of clear timelines and requirements for Application materials, review by various boards, and regulations for enforcement of the requirements. Off-Street Parking and Loading requirements have been amended to reflect to the requirements and needs of the urban development pattern.

3.4. REVISIONS TO ZONING MAP

The second component of the Proposed Action is the adoption by the Lead Agency of the City of Newburgh Zoning Map. The Zoning Map was revised to reflect the land use changes recommended in the adopted Future Land Use Plan, the proposed overlay districts and the form-based districts. The proposed Zoning Map changes:

- Codify the land use recommendations in the adopted Future Land Use Plan;
- Consolidate redundant or 'surplus' districts;
- Map the boundaries for the overlay, and the form-based districts; and
- Incorporate changes to encourage investment and the revitalization of Newburgh.

The proposed amended zoning map is included as **Figure 3**.

4. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

This section addresses the environmental categories identified in Part 2 of this FEAF where the impacts of the Proposed Action necessitate additional explanation.

4.1. CONSISTENCY WITH PLANNING DOCUMENTS

4.1.1. PLAN-IT NEWBURGH SUSTAINABLE MASTER PLAN (2008)

The City Council of the City of Newburgh adopted a Sustainable Master Plan in December 2008, entitled "*Plan-It Newburgh*". Goals, targets and strategies in the Plan outline how the City of Newburgh will accommodate growth and development until the target date 2040. The process for creating the Plan began in 2005 with a stakeholder group and a series of workshops, public forums and meetings that invited residents to contribute their ideas. The following seven key areas of interest formed the framework for sustainability: social well-being, governance, housing, natural environment, economic development, transportation, and municipal services. The primary Plan objective is to create a higher quality of life in the City of Newburgh for both present and future generations. A key strategy to achieve this objective involved targeting vacant and underutilized portions of the City to avoid displacement and encourage the rejuvenation of the City's downtown. This strategy is seen as a critical step towards revitalizing the City and supporting Newburgh's commitment to becoming a thriving, walkable, and attractive community.

The Proposed Zoning Code Update encourages economic development in Newburgh by promoting infill and targeting vacant lots. Development is encouraged through implementation of flexible zoning that allows for a wider variety of uses and a streamlined process for development review, as described above. The Form-Based Districts, developed for four downtown areas, promote mixed-use development in key economic centers of the City such as the Broadway Corridor, Liberty Street, and the Waterfront. The Form-Based regulations allow more uses as-of-right as well as through the regulation of building form within those districts. The 'Shopfront' and 'Midrise' building types are the predominant building types allowed downtown. Their very form promotes a vertical mix of uses such as ground-floor retail coupled with upper floor residential, service or office, providing for compact development,

pedestrian and bicycle friendly environments, and an overall stronger neighborhood character.

The Proposed Zoning Code Update also encourages appropriate home occupations within the downtown and residential districts, further reducing distances between housing and the workplace. Neighborhood-scale economic development is promoted through the creation of the Neighborhood Commercial Overlay District. This district allows limited commercial uses such as retail, restaurant, personal services and professional offices in otherwise residential portions of the City to promote redevelopment and walkable neighborhoods.

Design standards for downtown buildings focus on the building-type, architectural features, signage, building materials and landscaping and would create more visually-appealing and consistent streets within the Form-Based Districts. In addition, guidelines for the pedestrian realm, including the area between the lot line and the curb line, are included to standardize and enhance the pedestrian experience. In the Planned Waterfront District, lots that have Hudson River frontage are required to include a publicly-accessible Waterfront Walkway. The Waterfront Walkway will expand walking and recreation opportunities for the public, recognizing the central role the waterfront plays in the revitalization of Newburgh. Light pollution will be minimized through lighting standards in the Form-Based Districts.

As noted in *Plan-It Newburgh*, environmental protection is integral to responsible development. The Waterbody Protection Overlay District (WPO), included in the Proposed Zoning Code Update, would be established to regulate land uses within or adjacent to a stream corridor. As described above, the WPO would help protect water quality, biodiversity, scenic resources and reduce the risk of damage from flooding. To further protect natural resources and promote open-space creation, the Planned Waterfront District would require new development on large parcels to set aside, and maintain, 10 percent of their site as publicly-accessible open-space.

By promoting a walkable, mixed-use, high quality community, the Proposed Action would help the City reach the goals and strategies enumerated in the *Plan-It Newburgh* Sustainable Master Plan.

4.1.2. FUTURE LAND USE PLAN (2011)

The 2008 Sustainable Master Plan *"Plan-It Newburgh"* addressed land use planning policies but did not specifically recommend future zoning changes to implement those policies. Therefore, in September 2011, the City of Newburgh commissioned a Land Use Committee to create a *Future Land Use Master Plan*. The *Future Land Use Plan* (FLUP) was prepared as an addendum to and to provide support for the goals enumerated in "*Plan-It Newburgh*". The goal of the FLUP was to geographically illustrate general future land uses based on the policies stated in *"Plan-It Newburgh"* and to provide a framework for implementing the zoning changes required to carry out those policies. While the FLUP maintains many of the City's existing land uses, it recognizes that there are existing areas where land use designations are either obsolete or do not promote the highest and best use for an area. In these areas, the FLUP proposes a new land use designation. The highest and best use for each area is based on policy recommendations from *"Plan-It Newburgh"*. The FLUP includes a Future Land Use Map, which illustrates the general location and intensity of future land uses

and provides a roadmap for undertaking future zoning actions in the City of Newburgh. The Proposed Zoning Code Update that is the subject of this Part 3 FEAF, closely follows the roadmap established by the FLUP.

The FLUP identified a need to shift away from the current focus on single-use zoning along commercial corridors. To address that need, the Proposed Action includes four mixed-use districts in the City's downtown, as well as the Neighborhood Commercial Overlay District. In the downtown mixed-use districts, various controls would help regulate density while continuing to allow for future growth. The introduction of additional mixed-use district zoning recognizes the reality of Newburgh's urban center and its existing land uses. Although the FLUP suggests regulating building size and density through Floor Area Ratio controls, the new zoning accomplishes the goals of such controls in other ways. The Zoning Advisory Team proposed to regulate density through other measures, including lot coverage, height, and setback requirements. In addition, the prescription of detailed Form-Based Districts provides standards that would regulate density, while focusing more attention on the observable form of new development.

In accordance with the recommendations in the FLUP, the Proposed Action highlights the waterfront as one of Newburgh's most unique assets and as a key for the City's overall revitalization. The proposed Planned Waterfront District would allow a wider range of uses, improve public waterfront access and public amenities, and require a waterfront walkway all of which will help revitalize the vacant and underutilized parcels in the area. The FLUP also designated areas of the City suitable for conservation development. The proposed Conservation Development District (CDD) addresses this recommendation by mapping three areas, including the area specified in the FLUP. The CDD encourages the conservation of environmental resources in exchange for flexibility in bulk and area requirements for new development. This district will allow innovative residential development while protecting environmentally sensitive areas. Finally, the proposed Zoning Code update simplifies the existing zoning text by combining the three commercial districts into one, the two planned office districts into one, and the two industrial districts into one.

The FLUP also recommended various administrative changes, which have been incorporated into the Zoning Code Update. For example, the FLUP recommended aggregating some of the uses in the zoning code intro broader categories. Such organizational clarifications help simplify the zoning map and help ensure that the proposed zoning is consistent with the FLUP.

4.1.3. PACE STREAMLINING NEWBURGH'S LAND USE PROCESS FINAL RECOMMENDATIONS (2012)

The Pace Land Use Law Center was commissioned by the City of Newburgh to issue recommendations for streamlining the City of Newburgh's current land use application processes to remove obstacles to redevelopment and better open the City for business. One of their recommendations was to update the zoning code concluding that the City's current zoning code is outdated and often requires variances or rezoning to facilitate individual development projects. In addition, New York State cannot legally approve Newburgh's 2008 update to the Local Waterfront

Revitalization Program until the City adopts strategies to implement the program, such as new zoning.

The *Streamlining Report* also makes recommendations regarding the East End Historic District regulations, including more specifically defining what would constitute a "material change", or "visibility from a public street", and therefore not requiring a Certificate of Appropriateness (COA) review. The Proposed Action incorporated this recommendation. The *Streamlining Report* also recommended that a consent agenda be established to speed the workflow of the Architectural Review Commission (ARC) and reduce the burden on applicants. Under the Proposed Action, the ARC may now consider and approve multiple applications with a single motion based on a determination from the Building Inspector. Finally, the Proposed Action provides a streamlined COA process for demolition applications within the historic districts. The ARC may now evaluate new considerations when reviewing COA applications for demolition. Therefore, demolition applications do not have to always apply for hardship. These changes are expected to help decrease regulatory hurdles and thus promote the City's redevelopment, as recommended by the *Streamlining Report*.

4.1.4. LOCAL WATERFRONT REVITALIZATION PLAN (2008 DRAFT, CURRENT DRAFT)

The Newburgh *Local Waterfront Revitalization Plan* (LWRP) was adopted in 1992. In 2001, an update to the plan was adopted to address redevelopment initiatives along the waterfront. Similarly, in 2007 the City determined it was appropriate to update its LWRP as well as prepare a Harbor Management Plan to address pending interest in redevelopment of the waterfront. Objectives of the 2008 Draft LWRP include: preserving open space and increasing public access to the waterfront; linking the waterfront to the historic district, Washington's Headquarters and the Broadway commercial area; and addressing parking issues on the waterfront by planning for and integrating intermodal and multi-modal transportation links to the waterfront.

The LWRP represents major steps by the City of Newburgh to establish a specific plan and program for the waterfront area. It promotes the preservation of valuable coastal resources, the expansion of water-related and water-enhanced uses and the improvement of underutilized and deteriorated sites.

The Proposed Action regulates many aspects of the physical environment that would help preserve Newburgh's coastal resources while expanding their use, including:

- The Waterfront Gateway District was created to better connect the Downtown area with the Waterfront.
- The streetscape design standards would create the physical connection needed between Lower Broadway and the Waterfront area.
- All new construction in the Planned Waterfront District would be required to obtain Site Plan Approval from the Planning Board, which would further regulate new development and ensure its success and compatibility with the LWRP.
- All lots having the Hudson River as their boundary would be required to provide public access to the river's edge in the form of a Waterfront Walkway. This walkway would connect private development along the water and City residents

and visitors. Public access to the waterfront would create more opportunities for waterfront recreational activities and would increase pedestrian utilization of the area.

- Scenic Viewshed Protection regulations included in the Proposed Action would help protect the views that are central to the City's character.
- The Proposed Action also includes design standards that require new development to complement existing topography by avoiding the use of large retaining walls and other features that prevent a building from interacting with the pedestrian realm.

4.1.5. NEWBURGH WATERFRONT CHARETTE (2007)

In 2007, a weeklong public planning process (charette) for 30 underdeveloped acres of downtown Newburgh was held. Andres Duany, an urban planning pioneer, led a team of experts assembled by developer Leyland Alliance through a series of public forums to discuss what should be built on the sites. The charette resulted in public consensus of a detailed illustrative master plan for the area. The plan called for connecting the waterfront with the downtown to create a livelier, mixed-use environment that features a variety of housing types, commercial and civic structures, parks and recreational spaces, and opportunities to better accommodate pedestrian and bicycle traffic.

The Proposed Action promotes mixed-use districts within the city to encourage economic development. More specifically, the Planned Waterfront District (PWD), established with the goal of revitalizing the waterfront, addresses the goals and design ideals presented in the 2007 *Waterfront Charette Master Plan.* The Proposed Action allows for a broad mix of uses along the waterfront, including housing, commercial, cultural and open space. The Shopfront building type defined in the PWD Form-Based District was developed to provide a pedestrian oriented experience with retail or office uses on the ground-floor and upper floors typically designed for residential, hospitality and employment uses. Both the Shopfront and Midrise building types, which are common structural defining characteristics of an urban downtown, have maximum building heights of six stories within the PWD. Public access to the Hudson River is promoted through the provision of a Waterfront Area and Waterfront Walkway open to the public with all lots bordering the Hudson River. Streetscape standards along commercial and mixed-use streets help enhance street life by permitting outdoor dining areas, public art, benches and pocket parks. In addition, signage requirements were developed to improve the visual environment, thereby enlivening the resident and visitor experience. All of these regulatory provisions included in the Proposed Action help create the community character envisioned for the Waterfront by the charette.

4.1.6. LIBERTY-GRAND STREET HERITAGE CORRIDOR (2007)

A public visioning process and workshop was conducted in 2006 to help provide an understanding of what participating members envisioned as appropriate for the future of Newburgh's Liberty-Grand Street Corridor. The goal of the process was to provide guidance for future planning actions and establish design standards with images that could be directly incorporated into any future planning recommendations. As part of the process, a guidance document was prepared entitled *A Shared Vision for the*

Future: Liberty-Grand Street Heritage Corridor Visioning Results and Recommendations. This vision was consolidated into guidance focused on street type options, the pedestrian realm, corridor signage, parks and open space, and off-street parking alternatives.

The Liberty-Grand Corridor is included within the proposed Downtown Neighborhood Form-Based District. The Downtown Neighborhood District allows various building types, including the Shopfront, Midrise, Rowhouse and Civic form, which can be found along Liberty and Grand Streets. The building forms promote mixed-use and higher density commercial and residential structures that would reflect the historic development patterns of the area and help highlight the cultural assets within the corridor. The proposed streetscape requirements along secondary commercial and mixed-use corridors would further enhance activity in the public realm to accommodate pedestrian activity and allow for more street trees and amenities such as benches and outdoor café seating. The *Liberty-Grand Street Heritage Corridor Vision* also highlights the importance of developing design standards for commercial signage. To accomplish this, the Form-Base Code provides the guidelines necessary for more appropriate signage that improves the experience of place. Band, blade, shingle and awning signs would better identify, direct, and guide local pedestrians and visitors. Although the new zoning does not specify regulations regarding mixed-use parking facilities, it does prohibit off-street parking in front of a principal building, which will help decrease the exposure of parking facilities and create more attractive, pedestrian oriented spaces. Finally, the various design standards outlined in the Form-Based Code would preserve the local character of the historic corridor, by regulating architectural building elements and features, and building materials. The Liberty-Grand Corridor is proposed to be included in the Historic Overlay District, which would protect, enhance and perpetuate the historic and community character qualities of this heritage corridor.

4.1.7. LIBERTY STREET CORRIDOR COMMERCIAL IMPLEMENTATION STRATEGY, NEWBURGH 2020 (2009)

Newburgh 2020, an advisory group comprised of key community stakeholders, was formed to work with the City of Newburgh, the planning firm of Urban Design Associates (UDA), and commercial consulting firm Live Work Learn Play to lead commercial revitalization efforts in downtown Newburgh. The group's mission was to create a vision for neighborhood development, life and commerce on Newburgh's historic main street. In 2009, Newburgh 2020 developed a *Commercial Implementation Strategy* (CIS) report to guide the commercial revitalization of Downtown Newburgh. The report focuses on a detailed strategic plan for the Liberty Street Corridor as Phase 1 of the Downtown commercial revitalization.

The Proposed Action facilitates the commercial neighborhood revitalization that is at the heart of the CIS Plan. The Form-Based Code developed for the Downtown Neighborhood district includes the majority of Liberty Street. This proposed zoning district promotes a variety of uses along Liberty Street, including: multi-family dwellings above ground-floor commercial and retail, apartment buildings, personal services, restaurants, cottage- (or light-) industry and hotels, providing a wider variety of commercial experiences and more flexibility for developers. Home occupations and professional offices are also encouraged, which would increase the number of urban

professionals working and living in the neighborhood. By allowing more uses as-of-right in the Downtown Neighborhood, the regulatory process is simplified and streamlined, which is important to attracting more businesses to the neighborhood. The Shopfront building type, which is the predominant form in this District, has a high degree of transparency on the first floor and architectural design standards that together will help add visual interest to the physical environment. The maximum height of both the Shopfront and Midrise buildings is proposed to be six stories, promoting a stronger customer base along the Liberty Corridor. A 10 foot front setback is only allowed in Shopfront buildings if used in a manner that enhances street life such as through pocket parks or plazas, outdoor dining areas, and public art. These proposed small-scale street improvements, coupled with the signage and design standards, contribute to a healthier environment for businesses and pedestrians. These changes to the physical environment would have positive impacts on the quality of life in downtown Newburgh and contribute to the revitalization of the Liberty Street Corridor envisioned in the *Commercial Implementation Strategy.*

4.1.8. NEWBURGH AREA TRANSPORTATION AND LAND USE STUDY (2012)

The *Newburgh Area Transportation and Land Use Study* was conducted between 2008 and 2011 by the Orange County Planning Department on behalf of the Orange County Transportation Council. The study area included the City of Newburgh and the four nearby Towns of Newburgh, New Windsor, Montgomery and Cornwall and the Villages of Walden, Montgomery, Maybrook and Cornwall-on-Hudson. The goal of the study was to identify priorities for creating integrated solutions for transportation and land use within the northeastern portion of Orange County by enhancing mobility and preserving quality of life and the environment.

The Proposed Action encourages transit-oriented, pedestrian-friendly development by recognizing existing patterns of development and allowing for a greater number of mixed-use districts and buildings. The districts and regulations in the Zoning Code Update are consistent with the many recommendations of the *Newburgh Area Transportation and Land Use Study* that emphasize transportation improvements coordinated with land use patterns. The proposed design, streetscape and signage standards in the Form Based Districts connect neighborhoods through a network of well-designed sidewalks. Some of the land use recommendations outlined by the *Study* are more specifically addressed in the Broadway Corridor District. The Proposed Action addresses these recommendations by promoting a concentration of activity in this commercial corridor and providing the opportunity for a more pedestrian friendly streetscape.

4.1.9. ORANGE COUNTY DESIGN MANUAL (2011)

The *Orange County Design Manual* was published by the Orange County Planning Department, the Regional Plan Association and the Lincoln Institute of Land Policy with support from the Orange County Water Authority. The *Manual* explores smart growth and the design aspects behind it, and provides tools and strategies to help local communities implement the designs. . The *Manual* provides best-practices that help answer the where, what and how of community growth and presents designs based on the smart-growth objectives of protecting and enhancing the environment, maximizing

and managing connectivity, and creating pedestrian oriented, mixed-use neighborhoods.

One of the best-practices included in the *Manual* is protection of scenic resources. The Proposed Action provides for the protection of scenic resources in several ways. In the Planned Waterfront District (PWD), construction is prohibited within the street right-of-way so that existing view corridors of the River are maintained. In addition, development within the PWD and Waterfront Gateway District are subject to enhanced visual protection standards. These standards require that proposed development be evaluated for their potential to impact the scenic views that are most important to the City. Finally, other proposed setback, height, and streetscape regulations would ensure that scenic views from key public points in the City would be preserved even as development and density increase over time.

The proposed Waterfront Walkway would secure physical public access to the Hudson River and provide the necessary linkages and continuity of access to this resource. In addition, design standards that help minimize topographical alteration during site construction would preserve the natural character of the City and allow for better views of the River. Furthermore, the Conservation Development District (CDD) and the Waterbody Protection Overlay District (WPO) are proposed to encourage conservation of environmental resources in exchange for flexibility in bulk and area requirements, and to promote responsible development along the City's waterbodies. As such, development is organized to preserve Newburgh's natural systems.

A second key aspect to smart development identified in the *Design Manual* is the need to maximize connectivity, and provide links between various elements of the built environment. The Form-Based Code included in the Proposed Action directly addresses this recommendation. Specifically, the proposed design standards, which include regulations regarding architectural features, building materials and signage, and streetscape standards, create a high quality and consistent pedestrian environment, promote pedestrian activity and help maintain the role of streets as civic and social spaces that connect Newburgh's many neighborhoods.

The Proposed Action moves away from single use development by encouraging mixed-use districts throughout the City, thereby addressing community design consistent with the *Orange County Design Manual*. The Form-Based Districts, which regulate the downtown and waterfront areas, allow flexibility and variety with respect to uses within buildings and within the district. This flexibility simplifies the City's approval process and encourages pedestrian oriented commercial areas and mixed-use neighborhoods where residents are within walking distance of housing, work, and community services. Additionally, by creating an amenity zone that allows for benches, café seating, bike racks, landscaping and public art, the proposed streetscape standards would create a more lively space for pedestrian activity and community interaction, and create the type of "main street" environments that the *Design Manual* promotes.

4.2. CONSISTENCY WITH LAND USE AND COMMUNITY CHARACTER

This section identifies potential changes to land use and community character as a result of adopting the Proposed Action.

4.2.1. LAND USE

The current Zoning Code has primarily allowed for single-use development within a given parcel, limiting flexibility for landowners. The Proposed Action, following the recommendations of the *Future Land Use Plan*, expands the areas in which mixed-use buildings are allowed. Specifically, the proposed Zoning Code Update creates mixed-use districts in the downtown and waterfront areas, as well as the Neighborhood Commercial (NC) overlay district, which would allow limited commercial uses in select portions of otherwise residential zoning districts. In addition to being in conformance with Newburgh's adopted planning documents, the NC-overlay district is consistent with both the existing land use patterns within the City, and the desired intention of the City to allow more neighborhood commercial uses. This overlay district would allow "mom and pop" type stores in a mixed-use environment. By amending the allowed land use in these areas, the proposed would promote local neighborhood economic development and provide residents with access to local amenities within walking distance from their homes

A new zone is proposed for the waterfront area, north of the wastewater treatment plant. Currently, this area is home to several commercial and retail uses. Under the Proposed Action, this area would be within the Planned Waterfront District, allowing wide variety of uses including residential, commercial, office, and retail. This change was recommended by the *Future Land Use Plan* and has been a goal for the City for the past several years.

Three areas (the area in and around Snake Hill, which is primarily City-owned, the former "Christmas Tree plant" and the vacant residential parcels to the north, and the area to the south and east of the Hospice Facility) have been zoned Conservation Development (CDD). As described above, this proposed district would allow residential uses, subject to the preservation of important environmental features. Of the three proposed CDD sites, only the "Christmas Tree plant" is currently developed. The site contains a large industrial building, which is currently only partially occupied. Per proposed CDD regulations, , future use of these parcels would be restricted to residential use, must set aside 50 percent of the site as open space, and must protect each site's unique and valuable environmental features.

With the exception of the changes noted above, the Proposed Action would not change the current land use, or currently allowed land uses, for the majority of the City, which are zoned for predominantly residential uses. As described above, the major change with regard to the residential districts is a 'right-sizing' of the minimum lot size and other 'bulk' regulations. In reality, this change in minimum lot-size would not affect the overwhelming majority of the City, which is already developed and subdivided. Rather, the proposed zoning would make the vast majority of the City's parcels 'conforming' lots with regards to the zoning requirements, which would help streamline the review process for any future land use applications. Because the proposed revisions to lot and area requirements for residential parcels would only

bring current zoning code regulations in compliance with the existing developed environment, it is not anticipated that an increase in density would occur. In addition, development applications within the PWD, CDD, DND and WD that meet certain other regulatory thresholds would be required to provide a site specific SEQRA analysis, which would evaluate the impact of those proposals on a case by case basis.

4.2.2. COMMUNITY CHARACTER

The Proposed Action is expected to create a more visually appealing, unified, mixed-use downtown and waterfront, which would improve the overall community character of the City. The regulations and standards developed for the Form-Based Districts build on the existing form within the City. Included in the proposed Code are design standards that regulate architectural features, building materials, and street signage, all aimed to preserve and enhance the architectural character of the City. These guidelines also regulate the specific building types allowed in each district such as the Shopfront that has a high percentage of glazing on the first floor and a prominent entrance to promote pedestrian oriented retail. These standards would help ensure a cohesive development pattern for Newburgh.

The Historic and Architectural Design Overlay districts would continue to protect and enhance the historic and architectural elements key to Newburgh's identity. Similarly, maintaining natural and environmental resources is essential to the quality of life and attractiveness of the City. The Proposed Action includes provisions designed to preserve these features, such as the Waterbody Protection Overlay District, Conservation Development District and the Hudson River Waterfront Public Access standards. These provisions are expected to improve the community character of the City and help ensure that it develops into a walkable and vibrant downtown and waterfront.

4.3. AESTHETIC RESOURCES AND VISUAL IMPACTS

Newburgh's unique location overlooking the Hudson River creates memorable aesthetic and visual resources essential to the City's identity. The current zoning regulates scenic public views in the View Preservation Overlay District by subjecting all development that may impact a defined view plane to review and approval by the Planning Board. However, portions of these regulations are either redundant or omit some of the City's essential scenic views. They are also onerous in their application and review.

The Zoning Advisory Team reviewed the existing regulated views and helped determine which views were most vital to Newburgh and essential to protect. The Proposed Action includes regulations protecting those views that are more efficient and do not hinder but rather enhance development.

Under the proposed zoning, all applications in the Waterfront Gateway, Planned Waterfront District, and portions of the Downtown Neighborhood Districts would be required to provide additional viewshed analyses during Site Plan Approval. The purpose and intent of this regulation is to protect and enhance the City's scenic viewshed, comprised of natural, aesthetic and cultural resources formed by the landscape and geologic features of the City. The views identified as providing significant benefits to the City of Newburgh include those from the following locations: Montgomery and South Streets, Washington's Headquarters, Broadway and Colden Street, the Newburgh Free Library, First and Montgomery Streets, Bay

View Terrace. The proposed zoning code specifically defines the locations and unique features of these important views to better highlight their character and the elements most essential for preservation.

The Visual Impact Analysis prepared by the applicant would be required to include photographic simulations of the proposed structure within the context of the site to best determine how the structure would affect the scenic viewshed. The City Planning Board would evaluate the impacts and grant Site Plan approval only if they determine that the proposed activity would not significantly impair scenic character; would be compatible with its surroundings; would minimize the removal of native vegetation; and would locate or cluster buildings in a manner that minimizes their visibility from public spaces. These standards and procedures are comparable to the current zoning's regulations that require that the applicant submit a Visual Environmental Assessment form during Site Plan review. The current zoning also outlines the visual analysis procedures that the Architectural Review Commission, Planning Board and Conservation Advisory Council should follow in rendering a visual site plan approval. Similar procedures are outlined in the Visual Impact Analysis Methodology section in the proposed zoning, which would provide a clear regulatory mechanism for reviewing development impacts during site plan review.

In addition, aesthetic resources would be further protected under the Form-Based Code. Applicable in the downtown and waterfront districts, the Form-Based Code redefines visual access and protects scenic viewsheds. Construction within the right-of-way of various west-east running streets would be prohibited under the proposed Zoning Code Update specifically to protect these view corridors. Other mechanisms have been proposed to protect views that are not specifically listed in the Code but are nonetheless significant to the City. These protections include height limitations of six stories in the Planned Waterfront, compared to the eight stories allowed in the Broadway Corridor, and massing regulations. Each building type defined in the Form-Based Code and allowed in the districts has supplementary standards regarding massing. For example, for the Shopfront and Midrise building types, the maximum length of a building wall along a street would be 200 feet, and buildings must have a break in façade at least every 50 feet met through the use of architectural features or changes in building material or finish. In the PWD specifically, an individual building may occupy no more than 100 feet of the dimension of the lot measured parallel to Front Street. These regulations would protect view corridors to and from the Hudson River and would reduce the scale of buildings in the downtown and waterfront.

Furthermore, setback requirements are proposed in the PWD, which would allow a sixth story, only if it is set back from the front façade by at least 15 feet. This provision, coupled with design standards for building materials, would help decrease the dominance of multi-story structures and safeguard views of the City from the Hudson River.

4.4. HISTORIC AND CULTURAL RESOURCES

The Proposed Action maintains both the East End Historic District and the Colonial Terraces Architectural Design Overlay District with the same boundaries as the City's current zoning. The purpose of these districts are to designate, protect and enhance the landmarks, historic districts and architectural districts, which represent distinctive elements of the City of Newburgh's historic architectural and cultural heritage; foster civic pride in the accomplishment of the past; protect and enhance the City of Newburgh's attractiveness to visitors, thereby supporting and stimulating the local and regional economy; and ensure the

harmonious, orderly and efficient growth and development of the City of Newburgh. There is no change in the design guidelines or in the boundary of the District. Based on the Zoning Advisory Team's guidance, the review process under the proposed zoning is very similar to the current process. The Architectural Review Commission (ARC) is in place to act as a review board to prevent construction, reconstruction, alteration or demolition that would be out of harmony with the historic and architectural character of the District. Changes to the regulations are limited, and serve only to optimize the process.

First, the PACE Streamlining report outlined above, proposed revisions to the procedures of the Architectural Review Commission, under an initiative independent of the Zoning Code Update. The Proposed Action incorporated these recommendations into the proposed Zoning Code Update. These revisions include: developing a specific list of activities that would not be considered a material change or visible from a public street. Such activities include, for example: repair, replacement and installation of electrical, plumbing, heating and ventilation systems, provided that such work does not affect the exterior of the structure; repair or replacement of awnings when work is done in-kind to match existing materials and form; or repair or replacement of water, gas, storm or sewer lines. These activities would not be subject to Certificate of Appropriateness (COA) review and would minimize confusion for the applicant, and improve the efficiency of the ARC in processing COAs.

Second, the PACE Streamlining report proposed that the ARC revise their procedures to create a consent agenda to speed the workflow of the ARC and reduce the burden on applicants. The consent agenda would allow the ARC to consider and approve multiple applications with a single motion. This will be based on a determination from the Building Inspector, after consideration of the nature and extent of the alteration or demolition being proposed, the degree to which the application is in conformance with the appropriate Design Guidelines, and the written "Consent Agenda Guidance", approved by the ARC regarding paint colors, materials and items that are generally suitable for specific purposes within the district. Furthermore, applicants with items pending on the Consent Agenda will not need to attend the ARC meeting at which their application is being considered.

Finally, the PACE Streamlining report proposed a simplified COA process for demolition applications within the Historic Overlay District. Under the current zoning, applicants looking to demolish a building in the Historic Overlay District must apply for a COA and if denied by the ARC, they must apply for relief on grounds of hardship. Under the Proposed Action, the ARC could evaluate the following considerations when reviewing COA applications for demolition: whether the building or structure is dangerous to health, safety or life; the extent, significance, and expense of repairs needed to maintain the structure in good repair; the historic value of the structure of the property; the contribution of the structure or property to community character, or an existing, locally-designated historic or architectural district; and the existence and extent of hardship criteria. As a result, applicants for demolition will not always have to apply for hardship but instead may receive a COA directly under the Special Demolition Considerations.

The proposed Zoning Code Update incorporates these policies and procedures and serves only to streamline the review process and minimize impediments to development.

4.5. NOISE, LIGHT, ODOR

The Proposed Action would not directly result in an increase in noise, odors or outdoor lighting. Nonetheless, under the proposed zoning, new construction is likely to occur,

resulting in indirect impacts to levels of noise, light and odor. However, such new development would not change the existing urban and built character and condition of the City, but would instead be similar to the construction allowed under the current zoning. Construction activities that may affect noise, light, and odor levels would be conducted in full compliance with the City Code, including the "Noise" ordinance in Chapter 212 of the City Code. As a result, no significant adverse noise, light or odor impacts are expected under the Proposed Action. In addition, development applications within the PWD, WG, CDD, and those which meet certain thresholds would be required to conduct a SEQRA review to analyze the site specific impacts of their developments. Any noise, light or odor impacts that would occur as a result of these development projects would be analyzed on a case by case basis.

4.6. SURFACE WATERS AND FLOODING

The Proposed Action establishes a Waterbody Protection Overlay (WPO) District to provide special protection to the City's waterbodies, creek, and stream corridor. The entire Quassaick Creek Watershed, which originates in Ulster County and drains the northeastern portion of Orange County, flows through the City of Newburgh and drains in the Hudson River. The boundaries of the WPO include all land lying within 100 feet of the top of the bank on each side of nine of the City's waterbodies: Quassaick Creek, Gidneytown Creek, Harrison Pond, the Unnamed Pond east of Harrison Pond and west of Gidneytown Creek, Crystal Lake, Muchattoes Lake, the two unnamed ponds southwest of Crystal Lake, the unnamed stream that flows into and out of Crystal Lake, and the portion of the Hudson River that is not within the PWD zoning District.

The purpose of this WPO is to regulate land uses within or adjacent to a stream corridor or waterbody to protect water quality, biodiversity, scenic resources and reduce the risk of damage from flooding. As such, no principal structure shall be located within 100 feet of a creek, stream or waterbody, and no accessory structure 200 square feet or greater shall be located within 50 feet of a watercourse. These setback requirements apply to parcels that have any part within the WPO.

In addition, the proposed Zoning Code Update requires Site Plan Approval for all activities within the WPO. The City Planning Board may only grant approval if they determine that the proposed activity would not result in erosion or pollution from surface or subsurface runoff and includes appropriate measures to minimize stormwater quantity and velocity, increase stormwater quality, promoted inflow and infiltration, protect stream and lake/pond banks from erosion, improve the water quality of the City's waterways, and increase public awareness of these critical resources.

The WPO District would have a positive impact on the City by providing additional and more efficient protection of the City's waterbodies. This additional layer of protection would directly improve the ecological services provided by these aquatic resources. Limiting all development within 50 feet of a watercourse would help maintain and restore riparian buffer vegetation and minimize stream channel constraints thereby having direct repercussions on public welfare by reducing the risk of damage from flooding.

The Conservation Development District (CDD) is established in the proposed zoning to encourage conservation of environmental resources in exchange for flexibility in bulk and area requirements. Environmental resources are defined as areas of steep slopes, wetlands, waterbodies, floodplains, ridgelines, scenic viewsheds and other ecologically sensitive areas

and features. Under the requirements of the proposed CDD, applications for development within the CDD must set aside 50 percent of the site as permanent (via conservation easement or other mechanism) open space to protect the site's environmental resources. As a result, by increasing the amount of open space in the City and better protecting sensitive environmental features, the CDD would be expected to improve the quality and quantity of water resources and mitigate flooding.

4.7. POTENTIAL IMPACTS FROM AN INCREASE IN POPULATION OR COMMERCIAL/INDUSTRIAL DEVELOPMENT

The Proposed Action is an update to the Zoning Code and Zoning Map. As a policy document, the Proposed Zoning Code Update would not have any specific physical impacts on the environment. Rather, it sets the stage for potential land use changes within the City, as described above. Development projects requiring a discretionary action by the City's review boards, (i.e., Site Plan approval, a variance, a Certificate of Appropriateness) would still require a site-specific environmental review that would analyze site-specific environmental impacts, including those to traffic and transportation, air, noise, surface and groundwater resources, and waste water treatment. Nevertheless, it is appropriate to analyze the potential environmental impacts that development under the proposed zoning may have at a generic level.

In the sections below, a generic review of the potential environmental impacts associated with the proposed changes to the zoning code are presented. For this review, it is important to keep in mind the change in Newburgh's population over time. As noted above, the City of Newburgh's population in 2010 was approximately 10 percent lower than its peak of 31,956 around 1950. Between 2000 and 2010, the City's population grew approximately 2 percent. If the City's population continues to grow at that rate, by 2030, it would just reach 30,000 residents. Recognizing that population growth is a function of market forces, as well as allowable density of development, it is reasonable to conclude that even with the adoption of the Proposed Action, Newburgh's population is unlikely to reach its 1950 peak in the next decade or two. Therefore, it is also likely that the infrastructure that served the City's peak population, much of which is still in place today, would be adequate to serve the City's population over the next several years.

The Proposed Action would, however, increase the residential development potential of a few areas within the City in two ways. First, the Proposed Action would allow residential uses in locations within the City that currently do not have residential uses and are not currently zoned to allow residential uses. These areas include the Planned Waterfront District, the Conservation Development District, the southwest portion of the Broadway Corridor district, and the southeast portion of the Downtown Neighborhood District. Second, the Proposed Action would increase the residential density allowed in the Waterfront Gateway and Broadway Corridor. Lots in these two districts that are currently vacant or substantially underutilized would be likely to experience more residential development if the Proposed Action is adopted than under the current zoning, because residential uses are not currently allowed as-of-right. Existing buildings in these districts, however, are not likely to be replaced with new buildings as a result of the Proposed Action. Therefore, the Proposed Action is not likely to cause an increase in residential density within portions of these districts that are already developed. In addition, applications for development within these districts would be required to undertake site-specific environmental review, which would analyze potential growth inducing aspects on a cumulative basis. Analyzing the potential growth

impacts on a case by case basis provides a substantially more reliable conclusion because the data is collected and presented concurrent with the existing baseline conditions of the City at the time the proposal is presented, eliminating speculative decision-making.

Also notable is the fact that under the Proposed Action, the residential zoning districts are proposed to have smaller minimum lot sizes than under the current zoning. This reduced minimum lot size would not appreciably increase the theoretical number of lots that could be created within those districts, because the overwhelming majority of those districts are already built out and subdivided. Rather, the decreased minimum lot size was designed to match the existing building stock and lot sizes and make the majority of the City into 'conforming' lots. As a result, the change in minimum lot size would not be expected to result in any appreciable increase in population density.

4.7.1. COMMUNITY SERVICES

As stated above, the adoption of the Proposed Action would not allow more residential development in the majority of the City. The proposed Zoning Code Update would increase the amount of residential density allowed in the downtown area, which may result in an increase in demand for provision of police, fire, and/or EMS services. Potential increases in staffing required by new development are expected to be offset by increases in property and other taxes and fees payable to the City. In addition, development applications within the proposed downtown zoning districts would be required to prepare a site-specific analysis of the impacts of the development on the ability of the emergency service providers to accommodate increased demand. Site-specific impacts of proposed development projects on emergency vehicle access, ingress and egress would be addressed during site plan review of a specific development proposal.

The City of Newburgh is served by the Newburgh Enlarged City School District. In the 2012-2013 school year the district served 11,028 students[1], a decrease of 15 percent from a peak of 12,716 students in 2003-2004. Any increase in residential population resulting indirectly from the Proposed Action would not be expected to cause enrollment in the school district to reach its 2003-2004 peak (1,700 students). Therefore, the Proposed Action would not be expected to cause an adverse impact to the operation of the school district.

4.7.2. TRANSPORTATION

The primary transportation impact of the Proposed Action would be increased trips into and out of the Planned Waterfront District and Waterfront Gateway District. All development within these districts, including a comprehensive waterfront redevelopment similar to the previous Leyland proposal, would require a site-specific environmental review. This review would analyze the impacts to specific intersections and specific roadways from a specific development. Because the development program for any future action within these districts could vary widely (residential, commercial, hotel, office, institutional), it would not be instructive to analyze a single 'best guess' scenario, nor is it practical to analyze the impacts of dozens of scenarios.

[1] New York State Department of Education. http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html

Rather, reviewing the impacts of specific projects within the former heart of the City at the time that they are proposed is the best way to understand and mitigate potential transportation impacts.

It should also be noted that the City and County have been actively studying the feasibility of transforming Broadway and installing enhanced transit service within the corridor. The implementation of such a project would profoundly alter the potential impacts of future development in downtown Newburgh, through the possibility of reducing the number of automobile trips that would be generated by any new development.

Finally, as noted in the *Future Land Use Plan EAF*, the City "currently has a significant amount of off-street parking," much of it downtown. Amendments to the off-street parking requirements were proposed for the above reason, and two other reasons. First, it is physically infeasible for many parcels to accommodate the amount of on-site off-street parking that is required in the current zoning code. Many of the City's existing lots, especially in the downtown residential areas, are not large enough to accommodate the currently required off-street parking as well as a building. This simple fact is a major impediment to the redevelopment of these areas. Second, the proposed off-street parking requirements are more appropriate for dense, walkable, urban areas than are the current standards. The proposed standards are based on best practices from other similarly sized and situated cities in the Hudson Valley. The Zoning Advisory Team agreed that while off-street parking could be an issue in a revitalized and reinvigorated downtown Newburgh, requiring excessive off-street parking on the same lots as development was counter-productive to the goals of neighborhood revitalization.

4.7.3. WATER SUPPLY

According to the EAF prepared for the *Future Land Use Plan*, the City's water filtration plant has the ability to treat approximately 9 million gallons of water per day (MGD). In 2012, the average daily demand was 4.6 MGD, and the highest single peak day was 6.7 MGD[1]. In addition, the City has an emergency connection to the NYC Catskill Aqueduct if needed. As the Proposed Action would not cause the City's demand for water to more than double, no impacts to the supply of domestic water are anticipated from the proposed zoning. Further, per the *Future Land Use Plan EAF*, the areas of the City that are proposed for increased residential density (waterfront, Broadway Corridor) have adequate water pressure to serve future growth.

4.7.4. SANITARY SEWER SERVICE

The City of Newburgh discharges its sanitary sewage to the Newburgh Wastewater Treatment Plant (WWTP), which also serves the Town of Newburgh. The plant has a capacity of 13.5 MGD and in 2012 had an average daily flow of 6.3 MGD.[2] According to the *Future Land Use Plan EAF*, approximately 1.6 MGD are generated by the Town of Newburgh. In addition, a portion of the available flow at the WWTP,

[1] 2012 City of Newburgh Water Quality Report

[2] 2012 City of Newburgh Wastewater Treatment Plant Update

approximately 3.8 MGD in total, is reserved for the Town of Newburgh. Therefore, the City could discharge approximately twice as much sanitary waste to the WWTP than it currently does on a dry-weather day. As the Proposed Action does not contemplate development resulting in a doubling of sewage discharge, it is unlikely to affect the ability of the WWTP to treat Newburgh's sanitary sewage.

However, according to the *Future Land Use Plan EAF*, there are currently capacity constraints on the City's north interceptor sewer line that limit the amount of additional flows it is capable of handling, especially in a wet weather, or storm, event. This interceptor line serves much of the Waterfront Gateway and Planned Waterfront District. This is a current issue for the City of Newburgh and not an impact that would result from the adoption of the Proposed Action. Substantial development in the Waterfront Gateway and Planned Waterfront District would be subject to the resolution of the north interceptor capacity issue. This issue would be addressed during site plan and environmental review for proposed projects in these districts.

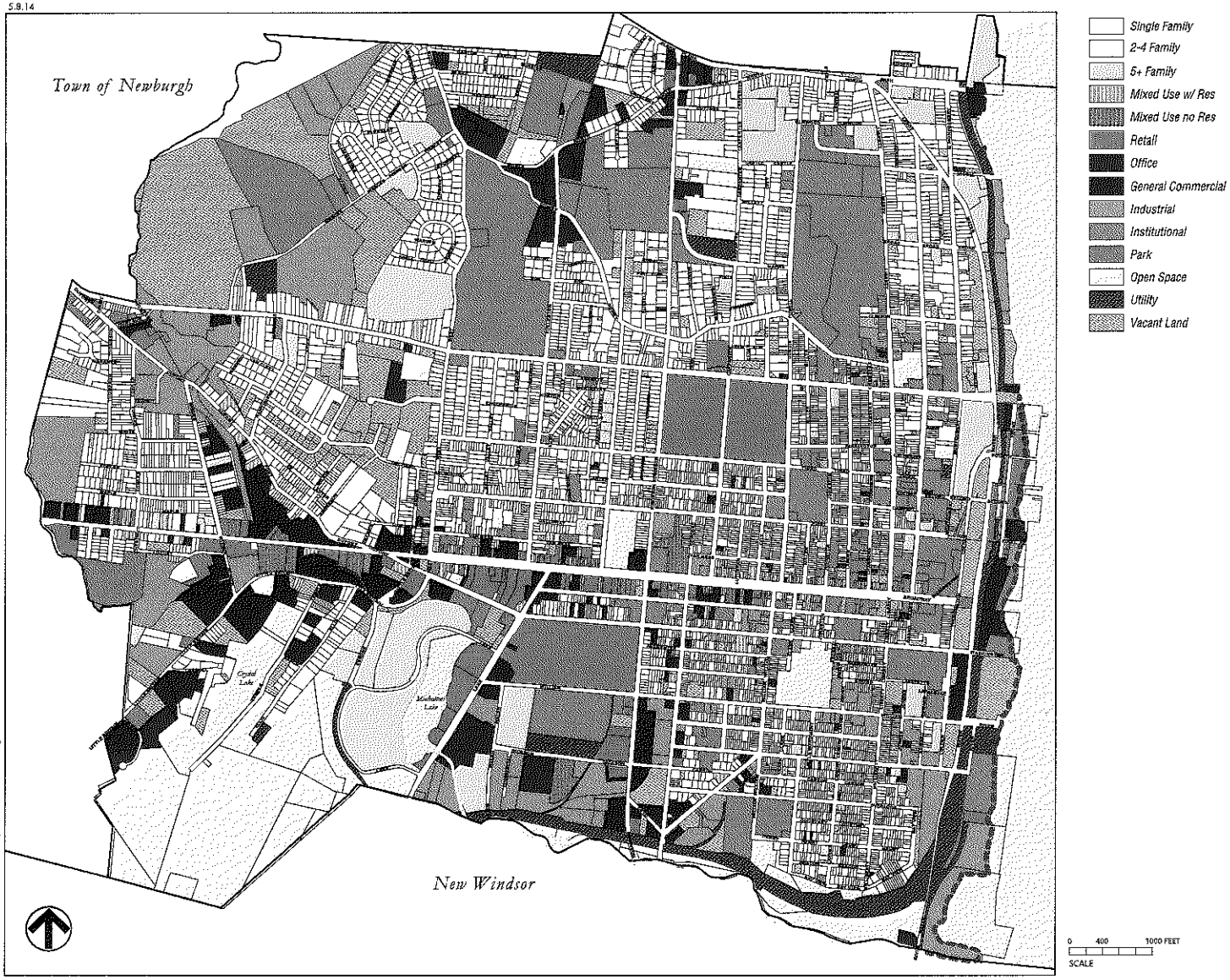
5. CUMULATIVE IMPACTS

The State Environmental Quality Review Act (SEQRA) requires that the cumulative impacts of one or several actions be considered together. The Proposed Action contains a number of revisions to land development regulations that, when taken together, would provide a greater protection of community character and natural resources than currently exists. The potential effect on the environment from these amendments would not result in impacts when considered independently or cumulatively. The cumulative impact of the amendments is to bring land use regulation into accord with Newburgh's current planning documents and studies as well as development practice given the conditions within the City of Newburgh. Given the mandate to protect the community character and environmental quality of the City of Newburgh, the City's approach to zoning and environmental regulation is justified and in keeping with the objectives of the City's Land Use Plan and other local and regional planning principles.

6. CONCLUSION

The Proposed Action would implement the recommendations of the *Future Land Use Plan* and the other municipally-approved planning documents through the adoption of a new Zoning Ordinance and Map. As such, it is consistent with the City's desired planning goals and land use patterns. The Proposed Action would not result in significant adverse environmental impacts. It would increase the protection of the City's natural resources, including its steep slopes, floodplains, streams, and lakes. It would require public access to the waterfront in any proposed development, and would protect the scenic views that make the City so unique. The adoption of the Proposed Action would mark a turning point for the City of Newburgh by articulating a clear, feasible, and beneficial path for future development within the City.

5.8.14

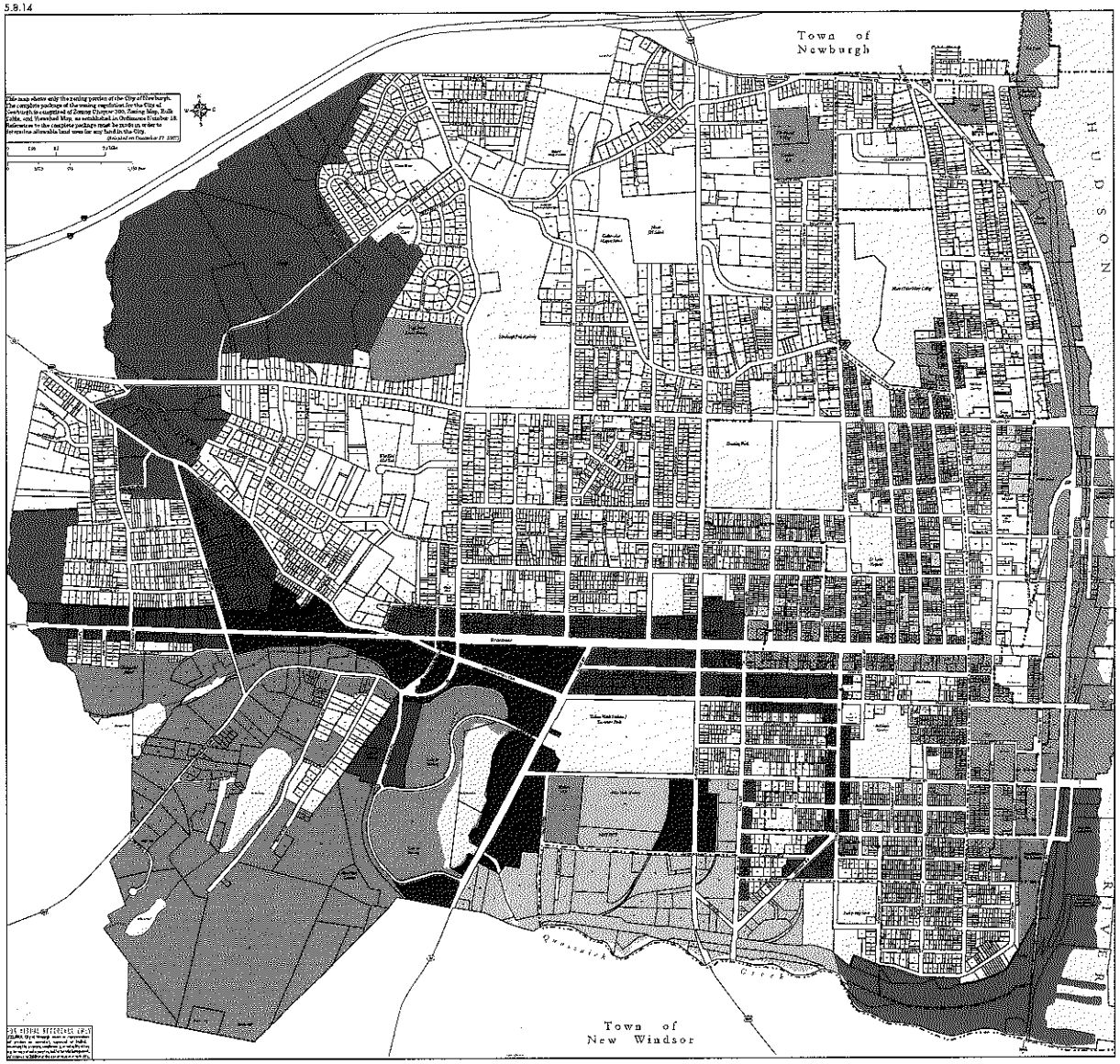


Source: Future Land Use Plan, Adopted 2011, BFJ Planning

CITY OF NEWBURGH ZONING CODE UPDATE

Existing Land Use Map
Figure 1

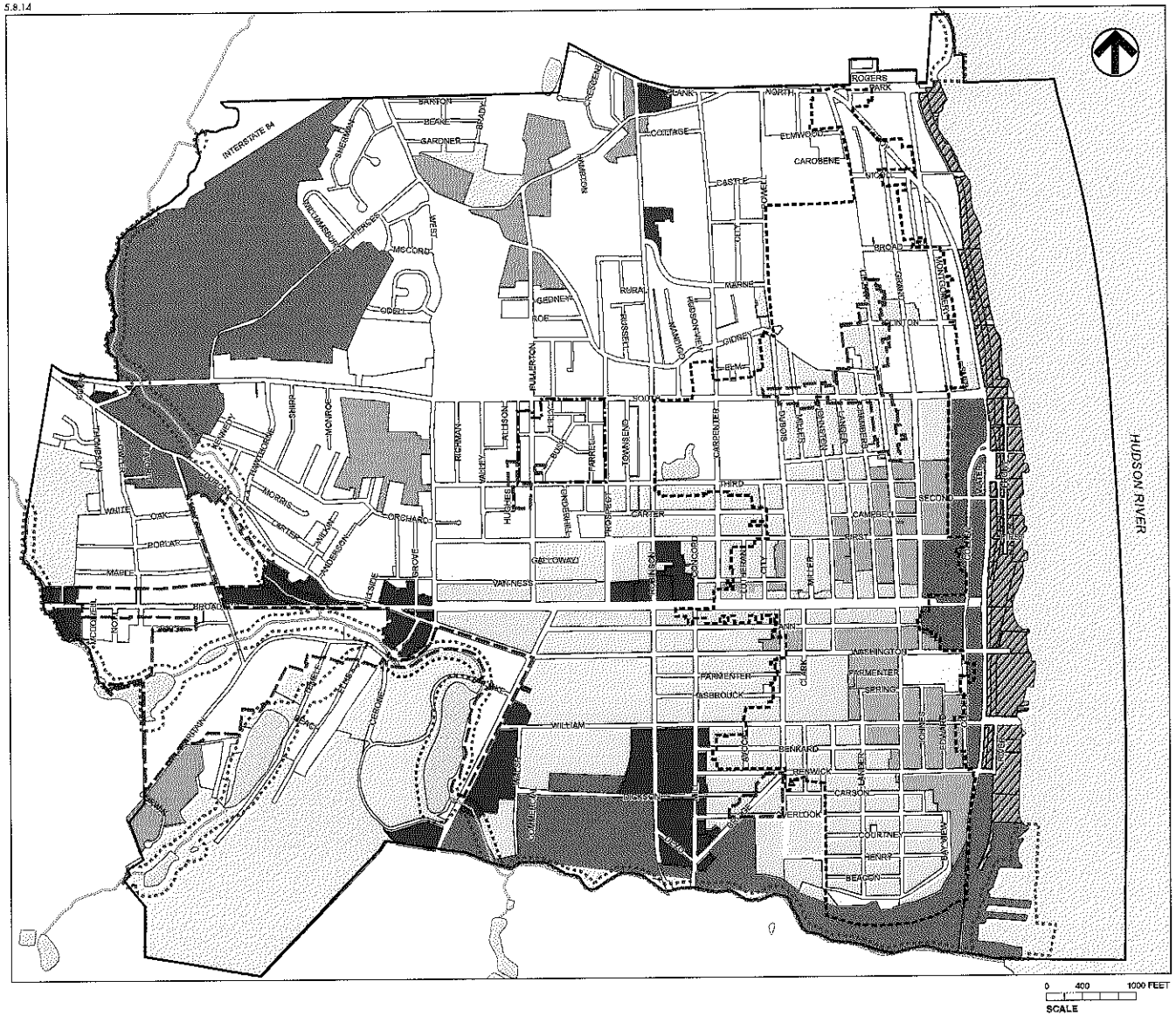
5.8.14



- C-1 Neighborhood Retail & Residential
- C-2 General Business
- C-3 Planned Commercial
- I-1 Heavy Commercial / Light Industrial
- I-2 Warehouse / Light Industrial / Distribution
- PO-1 Office & Medical Technology
- PO-2 Office & Distribution
- RC Civic Center & Residential
- R-1 One-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- R-4 High-Density Multiple-Family Residential
- TC-1 Tourist Commercial
- W-1 Waterfront Mixed Use
- W-2 Waterfront Industrial
- Colonial Terraces Architectural Design
- Historic
- Hudson Waterfront Architectural
- View Preservation

Existing Zoning Map
Figure 2

5.8.14



0 400 1000 FEET
SCALE

City of Newburgh Municipal Boundary

PO-Planned Office

Commercial District

CD - Conservation Development

I - Industrial

BC - Broadway Corridor

DN - Downtown Neighborhood

WG - Waterfront Gateway

PWD - Planned Waterfront District

R-Low - Residential, Low Density

R-Med - Residential, Medium Density

R-High - Residential, High-Density

Overlay Districts:

Waterbody Protection Overlay

Neighborhood Commercial Overlay

East End Historic District

Colonial Terraces Architectural Overlay

Proposed Zoning Map
Figure 3

June 30, 2014

Michael Ciaravino
City Manager
83 Broadway
Newburgh, NY 12550

Re: NCLB Property Requisition

Dear Mr. Ciaravino:

In anticipation of additional funding and opportunities, including the recently submitted and well-received Consolidated Funding Application, the Newburgh Community Land Bank requests additional property within and without the initial target area bounded by Broadway, Dubois St, First Street and Liberty Street. As you know, we are presently working toward the abatement of the existing 25 properties in our inventory and are poised to sell and break ground on several projects including 13 Chambers Street and 29 Chambers Street. All of our properties have designated funding and short-term development goal—affordable workforce housing, single family homeownership opportunity or abatement. In addition, we recently relocated our office to 13 Chambers Street, at the heart of our Neighborhood Revitalization Plan area.

At present, we are working with private developers, banks and the NYS Office of Housing and Community Renewal to find creative ways to rehabilitate historic buildings, build infill structures in small vacant lots and repair the fabric of Newburgh block by block. This will translate to jobs for residents, decent housing in the neighborhoods where families already live, and new opportunities for businesses and newcomers.

We kindly request Council permission to quickly acquire:
10, 17, 37, 38, 39, 49, 54 Dubois Street
39 Johnston Street
96 Broadway

In addition, we believe that we have the capacity to facilitate sales for several structures outside of the target area and that, due diligence dependent, we will be able to add value sufficient to draw qualified buyers. The properties requested outside our target area include:
157 Grand Street (NCLB owns the lot next door)
81 West Street
104 Washington Street

Please contact me with questions about this request at 917-968-0815 at any time. Thank you for your consideration.

Kind regards,

Madeline Fletcher
Executive Director

Habitat for Humanity® of Greater Newburgh

July 1, 2014

City of Newburgh
83 Broadway
Newburgh, NY 12550

RE: 16 Wilkin St. (SBL: 26-3-21)

Council of the City of Newburgh:

Habitat for Humanity of Greater Newburgh (HFHGN) would like to be placed on the next available City Council work session agenda to discuss the acquisition of 16 Wilkin St.

The Council of the City of Newburgh passed Resolution No.: 80-2014 giving HFHGN permission to perform pre-development activities on select city-owned properties, including 16 Wilkin St. After inspecting 16 Wilkin St., and a vote in favor by our Board of Directors to pursue acquisition, HFHGN is free to acquire and develop 16 Wilkin St., a vacant, partially complete single family home. HFHGN's goal is to acquire, renovate and have 16 Wilkin occupied within 6 months, putting the home back on city tax rolls by 2015.

Thank you for your consideration in this matter.

Kent Kruse
Construction Manager
Habitat for Humanity of Greater Newburgh

125 Washington St., Newburgh, NY 12550

Phone: (845) 568-6035 www.habitatnewburgh.org

RESOLUTION NO.: 165 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE
UNITED STATES DEPARTMENT OF JUSTICE FOR THE
COPS HIRING PROGRAM TO PROMOTE COMMUNITY POLICING
IN AN AMOUNT NOT TO EXCEED $1,072,116.24
WITH A TWENTY FIVE PERCENT LOCAL CASH MATCH REQUIRED

WHEREAS, the City of Newburgh Police Department performs many duties and offers a variety of services to promote public safety and health; and

WHEREAS, the City of Newburgh Police Department has identified the community policing model as an effective crime prevention tool; and

WHEREAS, the United States Department of Justice has established the COPS Hiring Program (CHP) as a competitive grant program that provides funding directly to law enforcement agencies to increase their community policing and crime prevention efforts; and

WHEREAS, the CHP establishes funding in the amount of $125,000.00 per officer position based on current entry level salaries and benefits and provides 36 month funding of four (4) additional police officers and requires a twenty five (25%) percent match but includes a 12 month retention at the end of the grant period; and

WHEREAS, the City's request for grant funds under the CHP will not exceed $1,072,116.24; and

WHEREAS, this Council has determined that applying for and acceptance of such grant is in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the United States Department of Justice for the COPS Hiring Program to promote community policing, in an amount not to exceed $1,072,116.24, with a twenty five (25%) percent local cash match required; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 166 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE FY2014 COPS COMMUNITY POLICING DEVELOPMENT PROGRAM IN THE AMOUNT OF $100,000.00 WITH NO CITY MATCH REQUIRED

WHEREAS, the City of Newburgh Police Department has advised that grant funding is available from the United States Department of Justice under the FY2014 COPS Community Policing Development Program (CPD); and

WHEREAS, CPD funds are used to advance the practice of community policing in law enforcement agencies through training and technical assistance, the development of innovative community policing strategies, the implementation of demonstration projects and the development of applied research, guidebooks and best practices that are national in scope; and

WHEREAS, the Microgrant Initiative for Law Enforcement, "Building Trust with Communities of Color" is the grant being applied for; and

WHEREAS, CPD funds shall continue to fund the Youth Police Initiative and fund a Youth Coordinator for a two (2) year period; and

WHEREAS, this Council has determined that applying for and acceptance of such grant is in the best interests of the City of Newburgh and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for and accept if awarded a grant from the United States Department of Justice under the FY2014 COPS Community Policing Development Program in the amount of $100,000.00, with no City match required; and that the City Manager is authorized to execute all such contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

RESOLUTION NO.: 167 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH HOUSE OF REFUGE TO ALLOW USE OF CITY OWNED PROPERTY LOCATED AT 140 BROADWAY FOR THE TUESDAY FARM MARKET

WHEREAS, the City of Newburgh is the owner of several parcels of real property located at 132, 136, 138, 140, 140A, 144, 146 and 148 Broadway; 6, 10, 12, 16 and 18 Johnston Street; and 6, 8 and 10 Lander Street, and more accurately described on the official tax map of the City of Newburgh as Section 30, Block 3, Lot(s) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37 and 38, City of Newburgh, New York, hereinafter collectively referred to as "140 Broadway"; and

WHEREAS, the Tuesday Farm Market has been held on the south side of Broadway between the House of Refuge and the Armory Building; and

WHEREAS, House of Refuge, the Tuesday Farm Market Manager and Orange County propose moving the Tuesday Farm Market to 140 Broadway, the City-owned land on the north side of Broadway, commonly referred to as the "Mid-Broadway site"; and

WHEREAS, the benefits of moving the Tuesday Farm Market include:

1. To provide greater visibility to attract more buyers and vendors;
2. To promote positive activity on Broadway; and
3. To provide more space for Orange County agencies to provide information and conduct demonstrations for the community; and

WHEREAS, moving the Tuesday Farm Market to 140 Broadway requires the parties to execute a license agreement, a copy of which is attached hereto and made a part of this resolution; and

WHEREAS, this Council has reviewed such license and has determined that entering into the same would be in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to enter into the attached license agreement with House of Refuge to allow access to and use of several City-owned properties for the purpose of holding the Tuesday Farm Market.

LICENSE AGREEMENT

This Agreement, made this _____ day of _____, two thousand and fourteen, by and between the HOUSE OF REFUGE, with offices at _____ as "LICENSEE; and the CITY OF NEWBURGH, a municipal corporation organized and existing under the laws of the State of New York with offices at 83 Broadway, City Hall, Newburgh, New York 12550 as "LICENSOR";

WITNESSETH THAT:

WHEREAS, Licensee desires the license or privilege of gaining access to the premises of Licensor and in substantially the location and position shown as set forth on the map or plan hereto attached and made a part hereof and bearing the following address:

132, 136, 138, 140, 140A, 144, 146 and 148 Broadway; 6, 10, 12, 16 and 18 Johnston Street; and 6, 8 and 10 Lander Street, and more accurately described on the official tax map of the City of Newburgh as Section 30, Block 3, Lot(s) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37 and 38, City of Newburgh, New York, hereinafter collectively referred to as "140 Broadway".

AND WHEREAS, Licensor is willing to give said license or privilege on the following terms and conditions:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and conditions hereinafter contained, it is hereby agreed as follows:

First: Licensor hereby gives to Licensee, upon the conditions hereinafter stated, the license or privilege of entering upon Licensor's property located at 140 Broadway, in the City of Newburgh, New York, and taking thereupon such vehicles, equipment, tools, tables, chairs and other materials as may be necessary; for the purposes of hosting a farmer's market, including but not limited to the sale of farm products, produce and other general information and demonstrations by Orange County agencies on property owned by Licensor. No permanent improvements may be erected on the premises.

Second: Licensee agrees to use and maintain said facilities in such manner as will comply fully with the provisions of any laws, ordinances or other lawful authority obtaining any and all permits required thereby.

Third: Licensor acknowledges that the use of the subject property shall inure to the benefit of both parties, and shall be satisfactory, adequate and sufficient consideration for the Licensee granted hereunder.

Fourth: Licensee hereby agrees to defend, indemnify and hold Licensor harmless against any claims, actions and proceedings brought against Licensor arising out of, in connection with and/or relating to Licensee's use of the premises. Licensee has posted evidence of and shall maintain throughout the term of this License public liability insurance naming the Licensor as additional insured in a minimum coverage amount of One Million ($1,000,000.00) Dollars.

Fifth: This Agreement and the license or privilege term is from July 15, 2014 to September 30, 2014.

Seventh: It is understood and agreed that no vested right in said premises is hereby granted or conveyed from either party to the other, and that the privileges hereby given are subject to any and all encumbrances, conditions, restrictions and reservations upon or under which the parties hold said premises.

Eighth: Without limitation to the general provisions of this Agreement, it is understood and agreed that said facilities shall be installed in substantially the location and position shown in the attachments hereto, and in accordance with details and specifications as set forth on map or plan hereto attached and hereby made a part hereof.

WITNESSETH:

THE CITY OF NEWBURGH

LICENSOR

By: _____

MICHAEL G. CIARAVINO,
City Manager

HOUSE OF REFUGE

LICENSEE

By: _____

BISHOP JEFFREY WOODY

RESOLUTION NO.: 168 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ORANGE-ULSTER BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR THE SUMMER YOUTH PROGRAM TO PROVIDE OPPORTUNITIES FOR YOUNG PEOPLE TO WORK FOR THE CITY OF NEWBURGH FOR THE SUMMER OF 2014

WHEREAS, the Orange-Ulster Board of Cooperative Educational Services (BOCES) is offering a Summer Youth Program for the purpose of providing meaningful work experience for participants with an admission preference for individuals from the Newburgh School District; and

WHEREAS, the City of Newburgh has expressed an interest in using this program to provide summer jobs and learning opportunities for young people and service to the City of Newburgh; and

WHEREAS, this Council finds that entering into an agreement with BOCES for this purpose is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute an agreement and other necessary documents with the Orange-Ulster Board of Cooperative Educational Services to participate in the Summer Youth Program which provides employment and learning opportunities for young people in the City for the Summer of 2014.

ADMINISTRATION
William J. Hecht
District Superintendent/CEO
Deborah McBride Heppes
Assistant Superintendent for Finance
Pamela T. Rourke
Assistant Superintendent for Human Resources
Theresa A. Reynolds
Assistant Superintendent for Instruction
Karen L. McGuckin
Clerk of the Board

ORANGE-ULSTER BOCES
Learning for Life

BOARD MEMBERS
Carl P. Onken, President
William M. Boss, Vice-President
Michael Bello
Martha Bogart
Virginia L. Esposito
Eugenia S. Pavek
Dorothy Slattery

LETTER OF AGREEMENT
BETWEEN
THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF
ORANGE AND ULSTER COUNTIES
AND
CITY OF NEWBURGH
83 BROADWAY
CITY HALL, 2ND FLOOR
NEWBURGH, NY 12550

The Orange-Ulster Board of Cooperative Educational Services (herein called BOCES), Gibson Road, Goshen, New York and The City of Newburgh will combine their resources to provide a Summer Youth program, for the benefit of the citizens of Newburgh, subject to the approval and financing by the Bureau of Adult and Continuing Education of the New York State Education Department. The program will begin on or about July 7, 2014 and will terminate, under the present State Education Department grant, on or before August 8, 2014.

Obligations assumed by BOCES:

1. To aid in the establishment of classes containing a minimum of ten (10) students and a maximum of twenty (20) students at one time.
2. The classes will meet as mutually agreed upon.
3. The instructors and facilitators for the program will be selected, supervised and paid by BOCES.
4. No tuition charges for this program will be made by BOCES to The City of Newburgh.
5. BOCES will be the sole agent responsible for accepting requests for registrations, for contacting new students and arranging for their admission to class. BOCES will keep and maintain any records and insurances required by law or regulation.
6. Preference for admission to the program will be given to individuals from the Newburgh School District. In the event that, at any time there are insufficient numbers of applicants from the Newburgh School District, other applicants may be admitted from school districts which surround the Newburgh area.
7. Comply with all Child Labor Laws as set forth by the New York State Department of Labor

Obligations assumed by THE CITY OF NEWBURGH:

1. THE CITY OF NEWBURGH will provide suitable work space.
2. Individuals seeking admission will be advised of pertinent information relative to the nature of the program its duration, and the time and days the class meets.

3. No monetary charge for the use of the facilities will be made by THE CITY OF NEWBURGH to either BOCES or the students in the program.

Additional obligations of BOCES and THE CITY OF NEWBURGH:

1. BOCES shall provide during the life of this agreement general liability and property damage liability insurance covering its use of the premises, the limits of coverage to be $1,000,000 for bodily injury, including wrongful death, and $500,000 for property damage. All such insurance policies shall be written in the name of BOCES, the originals of said policies shall at all times be on file with BOCES with a certificate of insurance to be issued to THE CITY OF NEWBURGH.
2. BOCES shall and will indemnify and hold harmless THE CITY OF NEWBURGH, its officers, employees, agents and representatives, from any bodily injury including death, or property damage that shall or may happen to BOCES and its employees, agents, students and licenses who enter upon the subject premises for any reason except in the event such bodily injury or property damage is caused by the negligence of THE CITY OF NEWBURGH, its agents, servants and employees.
3. THE CITY OF NEWBURGH shall and will indemnify and hold harmless BOCES, and its officers, employees, agents and representatives, from any bodily injury, including death, or property damage that shall or may happen to THE CITY OF NEWBURGH and its employees, agents, students and licensees who enter upon the subject premises for any reason except in the event such bodily injury or property damage is caused by the negligence of BOCES, its agents, servants and employees.
4. No instructors, facilitators or participants shall be considered employees of the City of Newburgh for the purposes of the Program described in this Agreement.

_____

Pamela T. Rourke
Assistant Superintendent for Human Resources

_____

June C. Franzel
Director of Adult Occupational and
Continuing Education, O-U BOCES

_____

Michael Ciaravino
City Manager- Newburgh

RESOLUTION NO.: 169 - 2014

OF

JULY 14, 2014

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FOUR MONTH EXTENSION TO THE FIRST AMENDED AGREEMENT OF LEASE WITH MEMORARE REALTY HOLDING CORP. FOR THE CONTINUED LEASE OF APPROXIMATELY 3.65 ACRES OF VACANT REAL PROPERTY SITUATED ON THE HUDSON RIVER KNOWN AS SECTION 31, BLOCK 5, LOTS 13.2 AND 14 FOR THE PURPOSE OF PROVIDING PARKING FOR USERS OF THE NEWBURGH-BEACON FERRY AND OTHER PARKERS DURING NON-COMMUTING HOURS

WHEREAS, the City of Newburgh ("City") and Memorare Realty Holding Corp. ("Memorare") executed a Lease on July 30, 2004 ("Lease") for the lease and use of approximately 3.65 acres of vacant real property situated on the Hudson River known as Section 31, Block 5, Lots 13.2 and 14, for the purpose of providing parking for users of the Newburgh-Beacon Ferry and other parkers during non-commuting hours, with the City being reimbursed by New York State for the rental payments and improvements provided under such Lease; and

WHEREAS, by Resolution No.: 142 - 2010 of June 14, 2010, the City Council authorized the City Manager to execute a First Amended Agreement of Lease with Memorare to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, the First Amended Lease will expire on July 31, 2014 and additional time is required to review and evaluate the terms and conditions for continuing said lease for the best interests of the City of Newburgh, its residents and visitors, and of all persons wishing to avail themselves of such ferry service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager on behalf of the City of Newburgh, be and he is hereby authorized to execute a four month extension to First Amended Agreement of Lease with Memorare in substantially the same form as annexed hereto with other provisions as Corporation Counsel may require.

FIRST ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE

THIS FIRST ADDENDUM TO FIRST AMENDED AGREEMENT OF LEASE ("Addendum"), made as of this ___ day of July, 2014, by and between Memorare Realty Holding Corp., a New York business corporation, having an address of 2 Washington Street, P.O. Box 3231, Newburgh, New York 12550, ("Landlord"), and the City of Newburgh, a New York municipal corporation with principal offices at 83 Broadway, City Hall, Newburgh, New York 12550 ("Tenant").

W I T N E S S E T H:

WHEREAS, the Landlord and Tenant executed a First Amended Agreement of Lease with to accord with the amended reimbursement agreement with New York State that was effective April 21, 2010; and

WHEREAS, the First Amended Lease will expire on July 31, 2014 and Tenant desires to continue to lease from Landlord the Premises for use in connection with a project (the "Project") for parking to be used for ferry service between the City of Newburgh and Beacon and uses associated therewith and Landlord desires to lease to Tenant the Premises therefor; and

WHEREAS, the parties desire to continue the terms of the First Amended Lease for a period of time to review the First Amended Lease and negotiate a renewal:

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The renewal term set forth in Paragraph 5 of the First Amended Lease shall be extended for an additional four (4) month term commencing on August 1, 2014 and terminating on November 30, 2014 ("Amended Renewal Term").
2. For the balance of the Amended Renewal Term, if any, rent payable monthly in advance in equal monthly installments of Twenty-One Thousand Two Hundred Seventy-Eight ($21,278) Dollars each.
3. All other terms and conditions set forth in the First Amended lease shall remain in full force and effect during the Amended Renewal Term.

Remainder of this page intentionally left blank

IN WITNESS WHEREOF, the Landlord and the Tenant have duly executed this Lease in duplicate as of the day and year first above written.

MEMORARE REALTY HOLDING CORP., Landlord

By_____
Ralph Risio
President

CITY OF NEWBURGH, Tenant

By_____
Michael G. Ciaravino
City Manager

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

On the _____ day of July in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH RISIO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

On the _____ day of July in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

_____

RESOLUTION NO.: 170 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AID TO LOCALITIES FUNDING FROM SENATOR WILLIAM LARKIN IN THE AMOUNT OF $75,000.00 TO BE UTILIZED BY THE CITY OF NEWBURGH POLICE DEPARTMENT FOR LAW ENFORCEMENT PURPOSES

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to accept aid to localities funding from Senator William Larkin in the amount of Seventy Five Thousand and 00/100 ($75,000.00) Dollars to be utilized by the City of Newburgh Police Department for law enforcement purposes, with the appreciation and thanks of the City of Newburgh.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

June 27, 2014

Mr. Jason C. Morris, P.E.
City Engineer
Office of the Engineer
83 Broadway
Newburgh, NY 12550

Re: EPA Approval of Resubmitted Site Management Plan (SMP), Consolidated Iron and Metal Site, City of Newburgh, New York

Dear Mr. Morris:

Following our review of the replacement pages you have provided in response to U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH) comments on the document titled "Consolidated Iron and Metal Site Management Plan" (SMP), (comment letter dated May 16, 2014), EPA provides approval of the SMP upon incorporation of the replacement pages (attached) into the four copies of the SMP held by the City of Newburgh (the "City"). Approval of the SMP is provided in accordance with paragraph 33(b) of the Consent Decree between the U.S. and Settling Defendants (08Civ.7378). With this approval, please note that monitoring and maintenance activities at the Site should be undertaken in accordance with the schedules established in the SMP.

With respect to the four copies, one copy of the SMP is to be maintained at the Site repository at the Newburgh Free Library, two copies are to be maintained in the appropriate City executive office, and the final copy is to be maintained on the Site once it is developed.

Please let me know if you have any questions regarding this matter. I can be reached at (212) 637-4278 or by email at negrelli.mike@epa.gov.

Sincerely yours,

Michael Negrelli
Remedial Project Manager
New York Remediation Branch

attachment

RESOLUTION NO.: 171 - 2014

OF

JULY 14, 2014

A RESOLUTION ACCEPTING A PROPOSAL AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARCADIS OF NEW YORK, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SOUTH WATER STREET SEWER SEPARATION PROJECT IN AN AMOUNT NOT TO EXCEED $86,250.00

WHEREAS, the City of Newburgh recently has identified certain sewer connections which discharge directly to the City's combined sewer overflows rather that to the City's waste water treatment plant; and

WHEREAS, the City is obligated to further investigate such illicit sewer discharges and implement permanent solutions to remediate such discharges; and

WHEREAS, the City of Newburgh through a competitive process in which proposals for professional services were solicited, reviewed and evaluated to provide Engineering Services for the remediation of illicit sewer discharges in the area of South Water Street and Washington Street; and

WHEREAS, the City has received a proposal from Arcadis of New York, Inc. which has been identified as the most qualified firm to provide said services;

WHEREAS, such engineering services shall include project management, data collection, evaluating alternative solutions, permitting, bid document preparation and management; and

WHEREAS, the cost of such proposal shall not exceed Eighty-two thousand Two Hundred Fifty ($82,250.00) Dollars and the funds shall be derived from HG1.8130.0205.8101.2013, the 2013 BAN;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he hereby is authorized to accept a proposal and execute a contract with Arcadis of New York, Inc. for professional engineering services in connection with the South Water Street Sewer Separation Project in an amount not to exceed Eighty-two thousand Two Hundred Fifty ($82,250.00).

ARCADIS

Infrastructure · Water · Environment · Buildings

ARCADIS of New York Inc.
855 Route 146
Suite 210
Clifton Park
New York 12065
Tel 518 250 7300
Fax 518 250 7301
www.arcadis-us.com

Mr. Jason Morris, P.E.
City Engineer
83 Broadway
Newburgh, New York 12550

Water

Subject:
South Water Street Sewer Separation Project
Proposal for Professional Engineering Services

Date:
June 5, 2014

Contact:
Robert Ostapczuk

Phone:
518.250.7300

Email:
robert.ostapczuk
@arcadis-us.com

Our ref:
66004883.0000

Dear Mr. Morris:

ARCADIS of New York, Inc. (ARCADIS) is pleased to provide the City of Newburgh with this letter proposal for the South Water Street Sewer Separation Project. It is our understanding that the City would like this project fast-tracked due to the illicit discharge of sanitary sewage from the storm sewer running south between South Williams Street and Washington Street to the Combined Sewer Outfall (CSO) No. 4.

ARCADIS has extensive experience in the vicinity of the City's wastewater treatment facility (WWTF) for both infrastructure and contaminated soils. We will put this knowledge to work for the City of Newburgh. Our proposed scope of services is presented below:

Task 1 Project Management

ARCADIS will prepare a health and safety plan and monthly invoices for the project. ARCADIS will prepare meeting minutes and distribute minutes of the meetings to the City of Newburgh.

Task 2 Data Collection

ARCADIS will subcontract with a local surveying firm to complete a topographical and boundary survey of the route of the proposed sanitary sewer, railroad crossing, pump station location, and forcemain route to the WWTF. The field survey will include 1-foot contours elevations, surface improvements and underground utilities that can be identified by surface evidence as marked out by Dig Safe NY or as contained in the City's GIS that was prepared by ARCADIS originally. ARCADIS does not see the need for borings or geoprobes along the new sanitary sewer route.

ARCADIS has included two days for field activities associated with investigating the existing buildings with illicit discharges. It may be necessary to dye test the existing flow drains, roof leaders, sinks and toilets of the buildings to determine if the building owner will need to complete additional separation activities to complete the work. We will assume that the building owner or City will provide hoses for water and the City will provide a person to assist our engineer.

ARCADIS will request three years of water meter data from the properties along the route of the new sanitary sewer. ARCADIS will request any development options and/or zoning information pertaining to the property to the north of the WWTF for future development considerations. ARCADIS will develop a flow projection and discuss the project with the City to develop consensus.

Task 3 Evaluate Alternatives

ARCADIS will evaluate the technical, economic, and permitting feasibility of the following options:

1. Installing a gravity sewer along the western side of South Water Street running to the City owned Right-of-Way (ROW) across the CSX railroad to a pump station to be located on the southwest corner of the property owned by the City within the adjacent ROW and a forcemain to the WWTF. This configuration will require a boring across the CSR railroad. Placing the pump station on the north side of the existing 60-inch RCP outfall will minimize the number of potential utility conflicts, reduce risk during construction, and reduce construction costs. The construction cost for this alternative is anticipated to be between $1M and $1.5M.
2. Install a pressure sewer along the western side of South Water Street running to the City owned ROW across the CSX railroad and then to the WWTF. Two small positive displacement pump stations (such as an E-One unit) will be placed to serve each of the buildings along South Water Street. The forcemain could be upsized in the ROW to the WWTF to account for future flows from the property to the immediate north of the WWTF, or a second future forcemain could be installed in the same trench if the current flows are insufficient to provide souring velocities in the forcemain. This approach could reduce conventional open excavation with the forcemain being installed predominately by directional drilling HPDE pipe. This approach also would significantly reduce construction costs and disturbances along South Water Street. The construction cost for this alternative is anticipated to be between $0.5M and $1.0M.

ARCADIS will prepare a technical memorandum outlining the findings of the evaluation and make a recommendation to eliminate the illicit dischargers to the storm sewer. ARCADIS will prepare an opinion of probable construction cost and an annual operation and maintenance (O&M) cost for each option.

Task 4 Permitting

On behalf of the City, ARCADIS will file for permit applications and construction approvals to the New York State Department of Environmental Conservation (NYS DEC), Central Hudson Gas & Electric (CHG&E) and CSX Railroad. ARCADIS will complete a Short Environmental Assessment Form (EAF) for action by the City Council. We assume this will be concluded by the City Council passing a negative declaration on the Project.

ARCADIS will interface with the NYS DEC on a routine basis providing updates on the progress of the work and compliance with any potential Order on Consent by the NYS DEC. ARCADIS will review any potential Order on Consent by the NYS DEC on behalf of the City for technical and schedule compliance feasibility.

Task 5 Preparation of Bid Documents

ARCADIS will prepare a single prime contract in accordance with Wicks Law for Bidding and regulatory approval purposes. The Bid Documents will consist of a Project Manual and Drawings. Drawings will include plans, profiles and details of the proposed sewers and/or forcemains and pump stations. ARCADIS will submit 60 percent and 90 percent Bid Documents to the City for review and comment.

Task 6 Bidding

ARCADIS will assist the City with Bidding Assistance by retaining Constructive Copy to distribute the Bid Documents and potential addenda to prospective bidders. ARCADIS will maintain a plan holder list, issue addendums if required to clarify the Bid Documents, attend a Pre Bid Meeting, attend the Bid Opening, and make a recommendation of award to the City.

Allowances:

Allowance 1: Includes costs for CSX fees for a ROW Entry Permit, Insurance Waiver and Flagman.

Fees

ARCADIS is prepared to complete the scope of work presented herein on a time and material basis for a not to exceed fee of $86,250. A detailed breakdown of the costs is presented on the Project Budget matrix attached. ARCADIS will be reimbursed at a rate of 3.1 times the direct labor rate and all expenses have a 10 percent fee added.

As an allowance, we have included $2,900 in costs that may be required from CSX to complete the survey within their ROW. This includes $900 for a ROW Entry Permit, $500 for an Insurance Waiver and $1,500 for Flagman to accompany the survey crew during the field work as required by the Entry Permit.

Please call me if you have any questions regarding the scope of work or the compensation requested to complete the work. We look forward to working with the City again.

Sincerely,

ARCADIS of New York, Inc.

Robert E. Ostapczuk, P.E., BCEE
Principal Engineer

Copies:
D. Loewenstein (ARCADIS)

Attachment

This proposal and its contents shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate the proposal. This proposal is not intended to be binding or form the terms of a contract. The scope and price of this proposal will be superseded by the contract. If this proposal is accepted and a contract is awarded to ARCADIS as a result of—or in connection with—the submission of this proposal, ARCADIS and/or the client shall have the right to make appropriate revisions of its terms, including scope and price, for purposes of the contract. Further, client shall have the right to duplicate, use, or disclose the data contained in this proposal only to the extent provided in the resulting contract.

PROJECT BUDGET

City of Newburgh
Newburgh, New York
South Water Street Sewer Separation

DESCRIPTION		11	7	6	5	Hours Per Task	Labor Cost per Task
Task 1 - Project Management		8	2	12	8	30	$3,453.65
Task 2 - Data Collection		2	8	24	16	50	$4,651.61
Task 3 - Evaluate Alternatives		4	32	80	12	128	$12,254.42
Task 4 - Permitting		4	40	60	24	128	$12,378.42
Task 5 - Preparation of Bid Documents		8	80	140	80	308	$29,072.05
Task 6 - Bidding Assistance		8	24	40	8	80	$8,339.25
TOTAL LABOR HOURS		34	186	356	148	724	
TOTAL DIRECT LABOR COSTS		$2,117	$6,696	$9,968	$3,848	$22,629	

Total Direct Labor:	$22,629
Overhead and Fee (2.1)	$47,521
Subtotal	$70,149
Expenses:	
Bid Distribution	$1,500
Misc Expenses:	$401
Survey	$11,300
CSX Allowance	$2,900
TOTAL	**$86,250**

RESOLUTION NO.: 172 - 2014

OF

JULY 14, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT UNDER THE EMERGENCY PROCUREMENT POLICY WITH TAM ENTERPRISES AND AMENDING RESOLUTION NO: 247-2013, THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK FOR EMERGENCY SEWER MAIN REPAIR IN THE AREA OF THIRD STREET BETWEEN GRAND STREET AND LIBERTY STREET

WHEREAS, a sewer main obstruction and deterioration was identified along Third Street between Grand Street and Liberty Street which if left unresolved would have resulted in an immediate threat to the public health and safety; and

WHEREAS, the City Engineer made a request through the City's Emergency Procurement Policy to retain the services of TAM Enterprises to identify and remove the obstruction, as well as to install 320ft of Cured In-Place Pipe (CIPP) liner within the existing 15" sewer main, and install an access manhole at the intersection of Liberty Street and Third Street to facilitate the CIPP lining; and

WHEREAS, the cost for the sewer main remediation and repair is Seventy Thousand and 00/100 ($70,000.00) Dollars; and

WHEREAS, this Council has determined that entering into an agreement with TAM Enterprises under the City's Emergency Procurement Policy for the sewer main repair and remediation services is in the best interests of the City of Newburgh and the public health and safety of its residents;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby declares that the sewer main failure along Third Street between Grand Street and Liberty Street created an emergency condition within the meaning of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to enter into a contract with TAM Enterprises for the sewer main remediation and repair pursuant to the City's Emergency Procurement Policy in the amount of $70,000.00; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that Resolution No: 247-2013, the 2014 Budget of the City of Newburgh, is hereby amended as follows:

		Decrease	Increase
Sewer Fund Contingency Emergency	G.1900.1990	$70,000.00	
Sewer Fund Sanitary Sewers Other Services	G.8120.0448		$70,000.00

RESOLUTION NO.: 173 - 2014

OF

JULY 14, 2014

A RESOLUTION SUPPORTING THE QUAISSAICK CREEK WATERSHED MANAGEMENT PLAN

WHEREAS, the Quassaick Creek Watershed is composed of the Quassaick Creek, its tributary streams; lakes, reservoirs and wetlands that feed into the Creek; and the 56 square mile landscape through which it flows; and

WHEREAS, the Quassaick Creek is on New York State's Priority Waterbodies List as having water quality impairments and the water quality of many stream sections throughout the Watershed is moderately or slightly impacted, as documented by routine stream biomonitoring work underway since 1987. Water quality is a concern within the Watershed, especially for drinking water supplies such as Washington Lake; and

WHEREAS, in the late 1990s, a group of advocates came together to form the Quassaick Creek Coalition with the goal of developing an estuary preserve in this lower corridor, which included representatives from a broad range of interests including the City of Newburgh, land conservation groups, various state and regional agencies, citizens, and many others; and

WHEREAS, interest in the Quassaick Creek continued, with some members of the Quassaick Creek Coalition deciding to expand their efforts to a larger geographic area, to take a watershed approach to cleaning up and enhancing the Creek and formed a group called the Quassaick Creek Watershed Alliance (QCWA), whose mission is to involve individuals and entities, both public and private, as advocates for the development and implementation of a Quassaick Creek Watershed Plan focusing on the protection and restoration of water quality and quantity, recreational values and biodiversity of the Quassaick Creek and its tributaries to promote the health, safety and welfare of our communities by making recommendations for sustainable land use, flood and erosion control practices and relevant regulations in this watershed; and

WHEREAS, since 2009, the QCWA , the Orange County Planning Department, and the Orange County Water Authority (OCWA) and an advisory group of stakeholders have been developing a watershed plan; and

WHEREAS, the QCWA, the Orange County Planning Department, the OCWA, its advisory group and consultants have completed The Quassaick Creek Watershed Plan which is a non-regulatory guidance document that recommends strategies for enhancing the Watershed, with a focus on water quality protection, meant to be a tool to be used to further enrich the quality of

life within the Watershed through thoughtful planning, outreach, education, and science-based enhancement and restoration projects; he primary purposes of which are to heighten public awareness of the Quassaick Creek - thus creating a sense of united stewardship among watershed stakeholders – and to create a "checklist" of best management practices for guiding future development and growth in order to protect and improve the health of the Watershed; and

WHEREAS, the City of Newburgh recognizes and appreciates the need to protect and improve the health of the Quassaick Creek Watershed both now and for the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports the Quassaick Creek Watershed Management Plan dated June 2014.

RESOLUTION NO.: 174 - 2014

OF

JULY 14, 2014

A RESOLUTION ADOPTING THE CITY OF NEWBURGH SURPLUS PROPERTY DISPOSITION POLICY AND PROCEDURE

BE IT RESOLVED, that the City Council of the City of Newburgh, New York hereby adopts the City of Newburgh Surplus Property Disposition Policy and Procedure, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Policy shall take effect immediately upon adoption by the City Council.

TO:

FROM:

DATE:

SUBJECT: Surplus Property Disposition Policy and Procedure

I: **PURPOSE**
The purpose of this memorandum is to set forth the policy and procedures for the disposal of surplus property of the City.

II: **GENERAL**
The Office of the Comptroller will be responsible for ensuring compliance with this memorandum.

III: **POLICY**
It is the policy of the City of Newburgh that surplus personal property of the City shall be disposed of in an orderly, equitable and efficient manner and in accordance with Chapter 97 of the Code of Ordinances of the City of Newburgh.

IV: **PROCEDURE**
The following procedure shall be utilized by the City of Newburgh for the disposal of surplus personal property of the City:

A. The head of each department shall perform a quarterly review of personal property of the department to determine whether there is any property which is no longer needed for City purposes.

B. The head of each department shall submit a report to the Comptroller on a quarterly basis identifying any such property as surplus. The report shall include a recommendation as to whether such property should be disposed of by the City or should be used as a trade-in to acquire new property.

1. Where there is a recommendation that surplus property be used as trade-in, the City Manager and the Comptroller shall review the recommendation and make a determination of whether the property may be used as trade-in. The review shall include a determination by the City Manager that fair value is being received by the City for the trade-in.
2. If the City Manager determines that fair value is not being received for the trade-in, he shall request a recommendation from the Comptroller for an alternative disposition of the property.

DRAFT

3. Where there is a recommendation that surplus property is no longer needed by a particular department, the Comptroller shall review the recommendation and offer the property for use by any other City department. If another department can use the property, such property shall be transferred to that department. If the Comptroller determines that no other City department can use the property, the Comptroller shall request a declaration of surplus property by resolution of the City Council. The Comptroller shall provide the list of property to be sold and the terms of sale to the Corporation Counsel, who shall prepare the Resolution for the City Council's consideration.

C. All property declared to be surplus property shall be offered for sale at public auction on a quarterly basis. The following procedures are to be followed for such sale:

1. Notice of the public auction shall be published by the Comptroller at least once per week for two weeks in advance of the sale. Publication on the City's website shall satisfy the publication requirement.

2. The public auction shall be held through a website that specializes in online auctions for government surplus property. The Comptroller shall determine which website will be used;

3. All property will be listed to be sold in "as-is" condition; and

4. The property shall be sold to the highest bidder.

D. Any surplus property not sold at public auction shall be disposed of in accordance with the direction of the City Manager. Such property shall be sold at private sale, held and re-auctioned at a later date, or junked.

V. **POLICE DOGS**

A. Surplus police dogs shall be sold at private sale as set forth in Section 97-3(B) of the Code of Ordinances of the City of Newburgh.

DRAFT

RESOLUTION NO.: 175 - 2014

OF

JULY 14, 2014

A RESOLUTION AMENDING THE 2014 PERSONNEL ANALYSIS BOOK AND AMENDING RESOLUTION NO.: 247-2013, THE 2014 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK TO TRANSFER $38,902.00 FROM TRAFFIC VIOLATIONS BUREAU PERSONAL SERVICES AND EMPLOYEE BENEFITS TO POLICE DEPARTMENT PERSONAL SERVICES AND EMPLOYEE BENEFITS TO HIRE ONE ADDITIONAL POLICE OFFICER

WHEREAS, the City of Newburgh finds it necessary to reallocate funds for the hiring of one (1) additional police officer in the Police Department which requires an amendment to the 2014 Personnel Analysis Book; and

WHEREAS, this Council finds that it is in the best interests of the City of Newburgh to make said adjustment to the 2014 Budget for the City of Newburgh and the 2014 Personnel Analysis Book;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, that 2014 Personnel Analysis Book be and hereby is amended in connection with funding one police officer and that the 2014 Budget of the City of Newburgh, is hereby amended as follows:

		Decrease	Increase
A.1130.0101:	Traffic Violations Bureau Salary	$ 22,417.00	
A.1130.0810:	Retirement	$ 5,604.00	
A.1130.0830:	Social Security	$ 1,715.00	
A.1130.0860:	Health Insurance	$ 9,166.00	
A.3120.0101:	Police Department Salary		$ 22,417.00
A.3120.0810:	Retirement		$ 5,604.00
A.3120.0830:	Social Security		$ 1,715.00
A.3120.0860:	Health Insurance		$ 9,166.00
TOTAL:		Decrease	Increase
		$ 38,902.00	$ 38,902.00

RESOLUTION NO.: 176 - 2014

OF

JULY 14, 2014

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR AUGUST 11, 2014 TO HEAR PUBLIC COMMENT
CONCERNING A LOCAL LAW ADDING CHAPTER 276 ENTITLED
"TOBACCO" TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law Adding Chapter 276 entitled 'Tobacco' and Enacting Article I entitled 'Tobacco Retail License' to the Code of Ordinances of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 11th day of August, 2014, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

LOCAL LAW NO.: _____ - 2014

OF

_____

A LOCAL LAW ADDING CHAPTER 276 OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH ENTITLED "TOBACCO" AND ENACTING ARTICLE I ENTITLED "TOBACCO RETAIL LICENSE"

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 276 "Tobacco" be and is hereby added as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding Chapter 276 entitled 'Tobacco' and Enacting Article I entitled 'Tobacco Retail License' to the Code of Ordinances of the City of Newburgh".

SECTION 2 - PURPOSE AND INTENT

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

WHEREAS, tobacco companies sell products that are addictive and inherently dangerous, causing cancer, heart disease, and other serious illnesses; and

WHEREAS, the City of Newburgh has a substantial interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, and a particular interest in protecting adolescents from tobacco dependence and the illnesses and premature death associated with tobacco use; and

WHEREAS, an overwhelming majority of Americans who use tobacco products begin using such products while they are adolescents and become addicted to those products before reaching the age of 18; and

WHEREAS, the prevention of adolescent tobacco product use is detailed in Article 13-F of the New York State Public Health Law, known as the Adolescent Tobacco Use Prevention Act (ATUPA) which expressly prohibits the sale of tobacco products to minors; and

DRAFT

WHEREAS, although it is unlawful to sell tobacco products to minors, New York State Department of Health, 2008 Youth Access Tobacco Enforcement Program Annual Report finds that 8.3% of New York retailers surveyed do sell to minors and the New York Youth Tobacco Survey 2008 finds that 20% of underage smokers in New York report that they usually purchase their cigarettes from a retail store; and

WHEREAS, research has found that higher tobacco retail outlet density is significantly associated with higher rates of youth smoking initiation and experimentation; and

WHEREAS, the City of Newburgh has a substantial and important interest in reducing the illegal sale of tobacco products to minors; and

WHEREAS, restricting the number and the location of tobacco retailers in the City is necessary to protect the public health, safety, and welfare of our youth; and

WHEREAS, a local licensing system for tobacco retailers is necessary and appropriate to protect the public health, safety, and welfare of our residents and will help ensure that retailers comply with the ATUPA, other tobacco control laws, and the business standards of the City of Newburgh; and

WHEREAS, studies have found a higher prevalence of current smoking at schools with more tobacco outlets within walking distance, and researchers suggest that limiting the proximity of tobacco outlets to schools may be an effective strategy to reduce youth smoking rates; and

WHEREAS, licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors; and

WHEREAS, it is the intent of the City of Newburgh to implement effective measures through this Chapter to reduce the number of tobacco retail outlets, regulate the location of tobacco retail outlets, stop the sale of tobacco products to youth, prevent the sale or distribution of contraband tobacco products, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

DRAFT

SECTION 3 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 276 entitled "Tobacco", Article I entitled "Tobacco License" to read as follows:

ARTICLE I.

§ 276-1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

ADMINISTRATIVE HEARING means a hearing by the City Manager or his designee.

APPLICANT means an individual, partnership, limited liability company, corporation, or other business entity seeking a Tobacco Retail License.

CITY CLERK means the City Clerk or Deputy City Clerk.

LEGAL AGE means the minimum age at which individuals are permitted to legally purchase tobacco products.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

POLICE DEPARTMENT means the City of Newburgh Police Department.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous year.

SCHOOL means a public or private kindergarten, elementary, middle, junior high, or high school.

TOBACCO PRODUCT means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, shisha, powdered and/or dissolvable tobacco products, and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine. However, "Tobacco Product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

TOBACCO RETAIL LICENSE means a license issued by the Department to a Person to engage in the retail sale of Tobacco Products in the City of Newburgh.

§ 276-2 Tobacco Retail License

A. Starting **INSERT DATE** , no Person shall sell, offer for sale, or permit the sale of Tobacco Products to consumers in the City of Newburgh, without a valid Tobacco Retail License issued by the City Clerk. A Tobacco Retail License is not required for a wholesale dealer who sells Tobacco Products to retail dealers for the purpose of resale only and does not sell any Tobacco Products directly to consumers.

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B. All Tobacco Retail Licenses issued pursuant to this section are nontransferable and non-assignable and are valid only for the Applicant and the specific address indicated on the Tobacco Retail License with the following exceptions:

(1) A valid and current Tobacco Retail License may be transferred from a location where an applicant holds a valid and current Tobacco Retail License within 100 feet of the nearest point of the property line of a School to a new location as long as the new location complies with this law.

(2) A valid and current Tobacco Retail License may be transferred from an existing applicant who owns a business with a valid Tobacco Retail License to a new applicant who purchases this business, when operations of the business are staying at the same location and within the same scope.

C. All Tobacco Retail Licenses issued pursuant to this section are valid for no more than two years and expire on January 1 following the effective date of the Tobacco Retail License.

D. Applications for a New Tobacco Retail License shall be made on a form specified by the City Clerk, at least 30 days prior to **INSERT DATE.** The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

E. Applications for a Renewed Tobacco Retail License shall be made on a form specified by the City Clerk at least 30 days prior to the expiration of the current license. The City Clerk may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

F. Applications for a new or renewed Tobacco Retail License shall be accompanied by the fee set forth in Section 276-6.

G. The issuance of any Tobacco Retail License pursuant to this Chapter is done in the discretion of the City of Newburgh and shall not confer upon licensee any property rights in the continued possession of such a license.

§ 276- 3 Issuance of Licenses

A. Upon the receipt of a completed application for a New or Renewed Tobacco Retail License and the fee required by Section 276-6, the Police Department shall inspect the location at which tobacco sales are to be permitted.

B. No Tobacco Retail License shall be issued by the City Clerk to an Applicant if one or more of the following bases for denial exists:

(1) The information presented in the application is incomplete, inaccurate, false, or misleading;

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(2) The fee for the application has not been paid as required;

(3) The Applicant does not possess a valid certificate of registration as a tobacco retail dealer from the New York State Department of Taxation and Finance at the location for which an application is requested;

(4) The Applicant seeks a New Tobacco Retail License at a location for which this Local Law prohibits the issuance of a New Tobacco Retail License;

(5) The Applicant has previously had a Tobacco Retail License issued under this Local Law revoked;

(6) The Applicant has not paid to the City of Newburgh outstanding fees, fines, penalties, or other charges owed to the City of Newburgh.

§ 276-4 Certain Locations

A. No Tobacco Retail License shall be issued to any seller of tobacco products that is not in a fixed, permanent location.

B. With the exception of the first year subsequent to effective date of this Local Law, no New Tobacco Retail License shall be issued to any establishment within 100 feet of the nearest point of the property line of a School.

§ 276-5 Required License Display

A. Any Tobacco Retail License issued pursuant to this Local Law shall be displayed prominently at the location where the Tobacco Products are sold so that it is readily visible to customers.

B. Selling, offering for sale, or permitting the sale of any Tobacco Product without a valid Tobacco Retail License displayed in accordance with Section 276-5(A) constitutes a violation of this Local Law.

§ 276-6 Required Fee

(A) Each application for a New or Renewed Tobacco Retail License shall be accompanied by a fee as set forth in Chapter 163 "Fees" of the Code of Ordinances of the City of Newburgh.

(B) Starting two years after the effective date of this Chapter, the City Council may, on an annual basis, modify the fee required pursuant to Section 276-7(A). The fee shall be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of

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the regulatory program authorized by this Chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

§ 276-7 Revocation or Suspension of Licenses

Any Person who is found to be in violation of the terms and conditions of this Local Law or for violation of any federal, state, or local law or regulation pertaining to (a) the display of Tobacco Products or of health warnings pertaining to Tobacco Products, or (b) the sale of Tobacco Products shall have their City of Newburgh License suspended for up to 3 months for a first offense, 6 months for a second offense, or revoked for a third offense, after notice and an opportunity to be heard at an administrative hearing before the City Manager or his designee.

§ 276-8 Violations and Enforcement

A. The Police Department shall enforce the provisions of this Local Law. The Police Department may conduct periodic inspections in order to ensure compliance with this Local Law.

B. In addition to the penalties provided for in Section 276-7, any Person found to be in violation of this Local Law shall be shall be guilty, upon conviction, of an offense punishable by a fine of not less than $500.00 for the first violation; not nor more than $1,000 for a second violation; and not more than $2,000.00 for the third and each subsequent violation within a two-year period or by imprisonment for a period not exceeding 1 year, or by both such fine and imprisonment. Each day on which a violation occurs shall be considered a separate and distinct violation.

§ 276-9 Severability

The provisions of this Local Law are declared to be severable, and if any section or subsection of this Local Law is held to be invalid, such invalidity shall not affect the other provisions of this Local Law that can be given effect without the invalidated provision.

SECTION 4 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 5 – EFFECTIVE DATE

This Local Law and shall be effective thirty (30) days from the date it is filed in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

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ORDINANCE NO.: _____ - 2014

OF

_____, 2014

AN ORDINANCE RESCINDING THE LANGUAGE CONTAINED IN CHAPTER 72 OF THE CODE OF THE CITY OF NEWBURGH ENTITLED "POLICE COMMUNITY RELATIONS ADVISORY COUNCIL" AND AMENDING SAME BY SUBSTITUTING THEREFOR A NEW CHAPTER 72 ENTITLED "POLICE COMMUNITY RELATIONS AND REVIEW BOARD"

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BE IT ORDAINED, by the Council of the City of Newburgh, New York that the language contained in Chapter 72, entitled "Police Community Relations Advisory Council," of the Code of Ordinances of the City of Newburgh be and is hereby repealed and that the same is hereby amended to read as follows:

SECTION 1. Chapter 72, Police Community Relations and Review Board

§ 72-1 Findings and purpose.

A. The City Council of the City of Newburgh finds that it is in the public interest of the citizens of the City of Newburgh have an effective forum to improve the relationship between the community and the City of Newburgh Police Department through the exchange of ideas and discussion of problems within the City relating to crime and crime prevention and other law enforcement objectives.
B. The City Council further finds that it is important to have a method by which City residents can make requests for law enforcement related services.
C. The City Council further finds that an effective program to improve the relationship between the community and the City of Newburgh Police Department requires an independent authority to review the conduct of law enforcement officials.
D. The purpose of Chapter 72 of the City Code of Ordinances is to create an independent, non-exclusive body to review complaints of misconduct by members of the City of Newburgh Police Department. The goals of this Chapter are to improve the communication between the City of Newburgh Police Department and the community, to increase police accountability and credibility with the public and to create a fair and impartial complaint process.

§ 72-2 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meaning described in this section:

CHIEF – The Police Chief of the City of Newburgh Police Department.

COMPLAINT – A written statement concerning police conduct which is submitted to the Police Community Relations and Review Board or filed directly with the City of Newburgh Police Department.

IMMEDIATE FAMILY – spouse, domestic partner, child, step-child, mother, father, mother-in-law, father-in-law, grandparent.

MEDIATION – a structured dispute resolution process in which a neutral third party assists the disputants to reach a negotiated settlement of their differences.

OFFICER – sworn member of the City of Newburgh Police Department.

PCRRB – Police Community Relations and Review Board.

PROFESSIONAL STANDARDS – Administrative Lieutenant of the City of Newburgh Police Department

§ 72-3 Composition, appointment, removal and vacancy.

A. There is hereby established a Police Community Relations and Review Board comprised of nine members.

B. Appointment to the PCRRB shall be made as follows:

1. Two members from each of the four wards shall be appointed by the Council member elected from each ward.

2. One member shall be appointed by the City Council and such member shall be designated as the Chair of the PCRRB.

3. If a Council member fails or refuses to appoint a member to the PCRRB and a vacancy exists for more than sixty days from the date the notice of vacancy is provided to the City Council by the PCRRB Chair, then the City Council as a whole may make such appointment.

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4. When a PCRRB vacancy has existed for at least 60 days from the date the notice of vacancy is provided to the City Council by PCRRB Chair and the City Council has not acted to make an appointment to fill such vacancy, the PCRRB, by a simple majority, shall have the right to nominate person(s) for review and appointment by the City Council.

C. Terms.

1. Members shall be appointed for two year terms; provided, however that of the members initially appointed by the Council member representing a ward, one shall be for a term of one year and one shall be for a term of two years.

2. No member of the PCRRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment after one year of non-membership.

3. Members shall continue to serve on the PCRRB until their successors are appointed.

D. Removal.

1. The PCRRB, by a simple majority vote of the entire board, may upon good cause request that the City Council remove a PCRRB member where appropriate.

2. The Mayor and/or a City Council member may upon good cause request that the City Council remove a PCRRB member.

3. PCRRB members may be removed from the PCRRB by a majority plus one vote of the City Council.

E. Vacancies. Any vacancy which occurs by resignation, death or removal of a PCRRB member shall be filled within sixty days in the same manner as the predecessor to fill the unexpired term.

§ 72-4 Members.

A. Qualifications of members:

1. Members of the PCRRB shall reside in the City of Newburgh and be at least eighteen years old at the time of appointment.

2. Members of PCRRB shall possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.

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3. The City Council shall endeavor to reflect the City's diverse community with respect to age, disability, ethnicity, race, gender, sexual orientation, income level and experience in making their appointments.

4. Members of the PCRRB or members of their immediate family shall not be employed by the City of Newburgh Police Department or any local, state or federal law enforcement agency.

5. Members of the PCRRB shall not be members of the immediate family of any incumbent elected official of the City of Newburgh nor have and financial ties with either members of the City of Newburgh Police Department or any incumbent elected official of the City of Newburgh.

6. No practicing attorney or member of his or her firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a police misconduct lawsuit initiated against the City of Newburgh Police Department, the Police Chief of the City of Newburgh or the Newburgh PBA or a plaintiff or any family member of a plaintiff in such case shall be a member of the PCRRB.

B. Member Responsibilities: PCRRB members shall:

1. Obey all laws respecting individuals' rights of privacy and confidentiality of records.

2. Recuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.

3. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality, integrity of the PCRRB and refrain from making any prejudicial comments with respect to the PCRRB, complainants or police officers.

§ 72-5 Powers and duties.

A. Training. The PCRRB shall seek and participate in a broad and independent range of training necessary to pursue the duties and responsibilities of the PCRRB as approved and funded by the City Council.

B. Meetings and administration.

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1. The PCRRB shall adopt and the City Council shall approve, rules and bylaws for the transaction of PCRRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.

2. The PCRRB shall hold regular monthly business meetings.

3. Five members of the PCRRB shall constitute a quorum. A quorum must be present to conduct business. Five votes shall be required for any action by the PCRRB.

4. The PCRRB shall hold its initial meeting with sixty (60) days after the initial appointments are made. At its initial meeting, the PCRRB shall fix the time and place for its regularly scheduled meetings.

5. The PCRRB may conduct both public and closed meetings as allowed or required by the New York State Public Officers Law, Article 7, known as the Open Meetings Law.

C. Recommendations, reports.

1. The PCRRB may make recommendations to the City Council and the Police Department regarding law enforcement, crime, crime prevention and improved relations with the community.

2. The PCRRB hall file annual reports with the City Council, City Manager and the Police Chief which contain statistics and summaries of citizen complaints, including a comparison of the PCRRB's findings with the final determination of the City of Newburgh Police Department.

D. Community outreach and education. In addition to regular monthly business meetings, the PCRRB shall hold public meetings in each ward a minimum of once each year for the purposes of inviting and facilitating public discussion between the City of Newburgh Police Department and City residents regarding law enforcement and services, crime and crime prevention and community relations within the City of Newburgh.

F. Filing of complaints. Complaints concerning police conduct shall be filed with the PCRRB and the City of Newburgh Police Department as provided in this subsection.

1. Complaints shall be lodged in writing on the City of Newburgh Citizen Complaint Form as reviewed and approved by the PCRRB for such purpose and shall be signed by the complainant. Complaints shall be filed with the PCRRB at the Executive Office, City Hall, 83 Broadway, Newburgh NY or with the City of Newburgh Police Department, 55 Broadway, Newburgh, NY. Complaint forms shall be printed in English and Spanish

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and shall be available at the City of Newburgh Police Department, the City Hall Executive Office and the City Clerk's Office.

2. A copy of each complaint filed with the PCRRB shall be forwarded to the City of Newburgh Police Department within five working days of its receipt. A copy of each complaint filed with the City of Newburgh Police Department shall be provided to the PCRRB within five working days of receipt by the Police Department.

3. Complaints shall be filed within six months of the date of the alleged incident giving rise to the complaint. Complaints filed after six months from the date of the alleged incident shall be returned or the PCRRB may accept and review such complaint upon an affirmative vote of five members of the PCRRB.

G. Review of complaints. A review of a complaint shall proceed as provided in this subsection.

1. Investigation of complaints;

a. The City of Newburgh Police Chief or his designee shall investigate every complaint filed with the City of Newburgh Police Department or the PCRRB. The Chief shall file with the PCRRB quarterly reports on the status of the investigation of each complaint.

b. The Police Chief or his designee shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Police Chief of his designee fails to conclude the investigation within sixty (60) days of the receipt of the complaint, he shall advise the PCRRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation. Thereafter, the Police Chief or his designee shall advise the PCRRB in writing of the status of the investigation every thirty (30) days until the conclusion of the investigation.

c. Within ten (10) working days of the conclusion of the Police Chief's investigation, he shall submit a preliminary report of his findings to the PCRRB.

d. After review and deliberation of the preliminary findings of the Police Chief, the PCRRB shall:

i. render its findings pursuant to Section 72-5(G)(2); or

ii. request that the Police Chief or his designee conduct further investigation of the complaint; or

iii. obtain additional case-specific information from the Police Chief, including but not limited to written materials, audio or video tapes and related documents; or

iv. refer the complaint to mediation as provided in Section 72-6.

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e. In the event that the PCRRB is dissatisfied with the extent and/or quality of the Chief's investigation, it shall promptly inform the City Council in writing of the specific deficiency of the investigation. In such event, the PCRRB may seek authorization from the City Council to conduct an investigation with the services of an outside independent investigator. The investigator shall be selected on a rotating basis from a panel of investigators comprised of certified investigators, attorneys, retired judges and similarly qualified individuals who are approved by the City Council. The use of an outside independent investigator shall be limited to complaints alleging use of excessive force or civil rights violations.

2. Findings of the PCRRB.

a. The PCRRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the complaint:

i. Sustained – where the review disclosed sufficient facts to prove the allegations made in the complaint.

ii. Not Sustained – where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

iii. Exonerated – where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper.

iv. Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.

v. Ineffective Policy or Training – where the matter does not involve guilt or lack thereof but rather ineffective departmental policy or training to address the situation.

vi. No Finding – where the complaint failed to produce information to further the investigation; where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; where the complainant withdrew the complaint; where the complainant is unable to clarify the complaint; or where the officer is no longer employed by the City.

vii. Mediated – where the complaint is resolved by mediation.

b. If the PCRRB fails to render an finding reference above within sixty (60) days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the PCRRB shall advise the Chief, the complainant and the affected officer(s) in writing of the reason for the delay in rendering its finding. In such case, the PCRRB shall provide the Chief, the complainant and the affected officer(s) with monthly updates on the status of the complaint. In any event, if the PCRRB fails to render a finding reference above within 120 days of its receipt of the preliminary report of the Chief's findings, the complaint file shall be returned to the Chief for disposition of the matter.

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§ 72-6 Mediation.

A. A mediation process shall be established and coordinated by the PCRRB in accordance with this section.

B. Mediation shall be conducted at no cost the complaint or officer by highly trained and experienced mediators selected from a list approved by the City Council. The list of mediators shall reflect community diversity. Mediators shall be required to complete an appropriate training curriculum and continuing education on issues related to the interaction between civilians and police officers from the perspective of both the citizen and police officer.

C. After a complaint is filed under Section 72-5 of this Chapter, the complainant and the officer(s) may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the PCRRB. The mediation process also may be utilized after the complaint is referred to mediation by the PCRRB pursuant to Section 72-5(G)(1)(d) of this Chapter. In either case, the mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. Mediation may proceed only on the agreement of the officer with the approval of the Chief and the agreement of the complainant.

D. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.

E. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.

F. In conducting the mediation sessions, the mediators may not impose an outcome on the parties.

G. Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.

H. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding and mediators may not be compelled by subpoena to give testimony or produce anything related to the mediation.

I. The PCRRB and The Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the

dispute, the PCRRB review process referenced in this Chapter shall continue to conclusion. If the mediation session do result in a resolution of the dispute, the PCRRB shall issue a finding of "mediated" and the allegations shall be deleted form the officer's PCRRB history.

§ 72-7 Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the City Council may suspend the PCRRB review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the PCRRB may resume or undertake its review.

§ 72-8 Construction of chapter.

No report, finding or determination made pursuant to this Chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 72-9 Severability.

If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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RESOLUTION NO.: _____ - 2014

OF

DATE, 2014

A RESOLUTION TO REQUIRE DISCLOSURE AND TRACKING OF SERVICE CONTRACTS AWARDED BY THE CITY OF NEWBURGH

WHEREAS, transparency is part of good government and providing access to information is a duty and responsibility of good government; and

WHEREAS, service contracts approved by the City of Newburgh impact the annual budget, services delivered, and taxes; and

WHEREAS, the public has a right to know how much the City of Newburgh is spending on service contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City of Newburgh hereby establishes a policy to promote the tracking and disclosure, via a publicly available website (the City's) all contracts approved that are valued in excess of $5,000 as of January 1, 2014 and continuing until such time as this resolution is amended; and

BE IT FURTHER RESOLVED, that this means among other things the City of Newburgh should disclose, via a publicly available website (the City's own) all contracts issued by and executed by the City. Such disclosure shall contain a copy of the entire contract posted once fully executed along with the corresponding bid package; and

BE IT FURTHER RESOLVED, that the governing jurisdiction shall establish and maintain an online excel database of all contracts that is accessible, searchable, sortable and downloadable to the general public. The database shall include, but no limited to, the following: a) description of the contract and services being purchased; b) name of agency, department, or division contracting for the service; c) a scanned copy of resolution approving contract; d) a scanned copy of the entire contract and bid package; and

BE IT FURTHER RESOLVED, that no less than annually the amounts of money paid on account of each such service contract shall be presented to City Council detailing the total spending on total service contracts.

2014 Service Contracts - Awarded by the City of Newburgh

Service Contract Awarded to:

Company Name	Contract Amount	Resolution # & hyperlink to resolution	Hyperlink to Contract/BID package:	City Department overseeing service contract
EXAMPLE: Ricoh USA	$7,956	No. 103-2014	http://www.cityofnewburgh-ny.gov/sites/newburghny/files/minutes/minutes-file/2014-04-28_council_minutes.pdf	Water Department

2014 Service Contracts - Awarded by the City of Newburgh

Notes
Documentation starts on page 53

RESOLUTION 213 OF 2012 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, ESTABLISHING MINIMAL STANDARDS FOR PROPERTY MAINTENANCE FOR TENANTS OF RESIDENTIAL PREMISES

Ordinance: Property Maintenance By Tenants

Sponsored By: Laws and Rules/Cable Committee: Aldermen: Senor, Brown, Whitlock, Mills, Dunn

WHEREAS, more than fifty (50%) percent of all housing in the City of Kingston is rental housing; and

WHEREAS, the City of Kingston is desirous of assuring that such housing is maintained as in safe and sanitary condition.

WHEREAS, this legislation is in the best interests of the City of Kingston; and

NOW, THEREFORE, BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON AS FOLLOWS:

SECTION 1: The Code of the City of Kingston is hereby amended to add a new Article 333 entitled "Property Maintenance for Tenants of Rental Premises" as follows:

Chapter 333 Property Maintenance for tenants of residential premises

§ 333-1. Definitions. As used in this section, the following terms shall have the meanings indicated:

TENANT

A person in possession or control of premises under a written lease or oral agreement for the payment of money.

RENTED RESIDENTIAL PREMISES

Includes all premises used or intended for dwelling or related purposes, permanent or transient by a tenant(s).

§ 333-2. General requirements.

Tenants of rented residential premises shall maintain the rented premises in conformance with the following standards. Tenants shall only be responsible for conditions that he or she actually caused.

§ 333-3. Open areas.

A. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage. Structural repairs are the responsibility of the property owner.

B. Yards, courts and vacant lots shall be kept clean and free of hazards.

C. Open fires shall not be permitted, unless authorized and approved pursuant to local law and in conformity with state air pollution control regulations.

D. Vehicles shall not be parked between the front line(s) of the building extended to the sidelines and the front line of the lot, except in formally designated parking area.

§ 333-4. Buildings and structures.

A. Floors, walls, including windows and doors, ceilings and other interior surfaces within the rented residential premises shall be maintained in clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

B. Extension cords. Electrical extension cords shall not be used in excess. If extension cords must be used, they must not cross any pathways, or be placed under carpets or rugs. They also should not be a tripping hazard.

C. Electrical.

1. Tenants who are not licensed electricians shall not do any electrical work, nor shall they tamper with any electrical wiring in any way, nor shall they permit third parties who are not licensed electricians to do such electrical work, or to tamper with any electrical wiring in any way.

2. Electrical light fixtures and other heat generating appliances shall not be covered with fabric or other combustible material.

D. External decorative lighting, including but not limited to holiday lighting, shall not be hung by tacks or nails in such a manner as to create a fire hazard.

E. Excessive amounts of loose fabric when used as a wall or ceiling covering is a fire hazard and is not permitted.

F. Tenants may not store or place any thing in such a way that it might block or prevent the use of a means of exiting from a room, apartment, or building. Items should not be stored by tenants in unfinished areas of buildings (cellar, attics, etc), which could contribute to combustion in a fire or block access by emergency personnel. (i.e., mattresses, old boxes, lumber, clothes, etc.)

G. Tenants shall not store combustible or flammable liquids in their residence, or in accessory buildings, except in sealed, approved containers.

H. Flammable and Combustible liquids shall not be stored in hallways, exits, stairways or area normally used for the safe passage of people.

I. Unfinished areas of buildings, such as cellars or attic, shall not be used for any activities whatsoever other than for utility purposes.

J. Rugs or carpet shall not be installed in such a way as to obstruct the smooth opening or closing of any doors.

K. Cooking and refrigeration appliances, kitchens, and bathrooms must be kept in a clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

L. Food garbage shall not be stored on premises in such a way or for such a period of time so as to become a health hazard.

§ 333-5. Infestation and screening. Single Occupancy Premises Only.

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

B. Where rodent infestation exists, windows and other openings in basements and cellars shall be screened to prevent entrance of rodents.

§ 333-6. Garbage and refuse.

A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse within rental dwellings. Storage containers in rental dwellings shall be of an approved flame-resistant material.

B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.

C. Tenants should not place loose bags of garbage and or recyclables outside the premises or in a garage area, except within the confines of a receptacle designed for such use.

D. Tenants shall not store or leave interior furniture outdoors except for disposal in accordance with applicable rules and regulations of the Department of Public Works.

§ 333-7. Junk.

A. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.

B. Junked vehicles, equipment and materials shall not be stored in open areas of premises.

§ 333-8. Domestic animals and pets.

Domestic animals and pets shall be kept in an appropriate manner so as not to constitute a hazard or nuisance. All pet waste shall be promptly collected and disposed of in a sanitary manner.

§ 333-9. Smoke detectors; Carbon Monoxide Detectors; Fire extinguishers

A. Smoke detectors and carbon monoxide detectors shall not be removed, damaged or disabled in any way. Smoke and carbon monoxide detectors shall not be disabled by the tenant(s).

B. The detectors shall not be disconnected from a power source or rendered inoperable in any way. Batteries in smoke detectors located in a residential premise must be maintained by the tenant(s) of the premises

C. It shall be the duty of the tenant(s) of any residential premise to keep and maintain such detectors located within their dwelling unit, or sleeping room, in good repair and operable condition and to notify the landlord to replace any and all devices which are stolen, removed, missing or rendered inoperable during their tenancy of such dwelling unit with an identical device or an equivalent device, as approved by the owner.

D. Fire extinguishers shall not be used for any purpose other than that for which they were designed.

E. Sprinkler systems shall not be tampered with in any way whatsoever, not shall sprinkler heads be used to hang anything from.

§ 333-10. Exits; Hardware for doors.

A. Prohibited locking devices. No hasp, lock, padlock, bar, chain or other device, which is openable only from the exterior, shall be installed by a tenant(s) on any door, which is used or intended to be used, as a means of egress.

B. Locking devices required.

(1) It is the responsibility of all landlords to ensure that exit doors from dwelling units, and doors from bedrooms, sleeping rooms or lodging units which are located within dwelling units, rooming or boarding houses, in which three or more unrelated individuals reside, shall be equipped with a locking device which is securable by means of a key from the outside and which is provided, on the inside, with a simple type of releasing device, such as a knob, handle or panic bar, the method of operation of which is obvious, even in darkness. No tenant shall remove and/or disable said locking devices.

(2) It is the responsibility of all landlords to ensure that all openable windows located within 10 feet, measured vertically, or within six feet, measured horizontally, of ground level, or of exterior balconies, porches, stairs, fire escapes, railings, roof surfaces or any other accessible structure, shall be equipped with sash locks designed to be openable from the inside only. Sash locks shall be easily openable without the use of keys and be maintained in good repair. No tenant shall remove and/or disable said sash locks.

C. Self closing doors shall not be blocked in the open position and automatic doors shall not be removed.

D. Exit lights and signs shall not be tampered with. If exit lights are out or malfunctioning, the Landlord must be notified.

§ 333-11. Violations and Enforcement.

A. Whenever the City Code Enforcement Officer finds that there has been a violation of these standards, the Code Enforcement Officer shall issue a notice of violation and order to remedy to the person or persons responsible.

(1) The order shall:

(a) Be in writing.

(b) Identify the premises.

(c) Specify the violation and remedial action to be taken.

(d) Provide a reasonable time limit for compliance.

(e) State the time within which an appeal may be taken.

(f) If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified in the order, the City may remedy the violation.

B. A notice of violation and order may be served as follows:

(1) By personal service upon the tenant(s).

(2) By posting a copy thereof on the door of the tenant(s) premises, or if access thereto is denied, by posting a copy thereof on the outside door of the building and mailing a copy to the tenant(s) in a postpaid wrapper addressed to the tenant(s).

C. In case the tenant(s) shall fail, neglect or refuse to remove, eliminate or abate the violation, or in the case that the owner, lessor or agent fail to cause the tenant(s) to remove the violation within the time specified, the Code Enforcement Officer forward the notice of violation to the Corporation Counsel who shall prosecute same as provided herein.

D. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the City may remedy the violation.

§ 333-12. Penalties

Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed $250.00 or imprisonment or both.. Each week that a violation continues shall be deemed a separate offense and so subject the occupant to an additional penalty as provided above

§ 333-13. Violations constitute substantial obligation of tenancy.

Unless otherwise provided for by state or federal law or the provisions of a lease, the compliance with the provisions of this section shall constitute a substantial obligation of every residential tenancy and the violation thereof shall be grounds for termination of the tenancy.

SECTION-2. That this shall take effect upon compliance with all applicable provisions of New

York State Municipal Home Rule Law.

SECTION-3. That a negative declaration of environmental significance has been recommended.

SECTION-4. All ordinances and parts thereof, inconsistent herewith, are hereby repealed.

SECTION 5. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this 8th day of November 2012.

Carly Williams, City Clerk

Approved by the Mayor this 8th day of November 2012.

Shayne R. Gallo, Mayor

Adopted by Council on Nov 7, 2012

Res 213 2012 Tenant Responsibility

City of Kingston, NY
Thursday, June 19, 2014

Chapter 333. RENTAL PREMISES, PROPERTY MAINTENANCE FOR TENANTS OF

[HISTORY: *Editor's Note: Former Ch. 333, Refrigeration Systems, Water Consuming, adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 95 of the 1984 Code, was repealed 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000.* **Adopted by the Common Council of the City of Kingston 11-7-2012, approved 11-8-2012. Amendments noted where applicable.]**

GENERAL REFERENCES

Alarm systems — See Ch. **142**.
Animals — See Ch. **151**.
Unsafe buildings — See Ch. **178**.
Electrical regulations — See Ch. **208**.
Fire prevention — See Ch. **233**.
Plumbing — See Ch. **321**.
Solid waste — See Ch. **350**.
Streets and sidewalks — See Ch. **355**.
Abandoned motor vehicles — See Ch. **384**.

§ 333-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RENTED RESIDENTIAL PREMISES

Includes all premises used or intended for dwelling or related purposes, permanent or transient by a tenant(s).

TENANT

A person in possession or control of premises under a written lease or oral agreement for the payment of money.

§ 333-2. General requirements.

Tenants of rented residential premises shall maintain the rented premises in conformance with the following standards. Tenants shall only be responsible for conditions that he or she actually caused.

§ 333-3. Open areas.

A. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage. Structural repairs are the responsibility of the property owner.
B. Yards, courts and vacant lots shall be kept clean and free of hazards.
C. Open fires shall not be permitted, unless authorized and approved pursuant to local law and in conformity with state air pollution control regulations.
D. Vehicles shall not be parked between the front line(s) of the building extended to the side lines and

the front line of the lot, except in formally designated parking area.

§ 333-4. Buildings and structures.

A. Floors, walls, including windows and doors, ceilings and other interior surfaces within the rented residential premises shall be maintained in clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

B. Extension cords. Electrical extension cords shall not be used in excess. If extension cords must be used, they must not cross any pathways, or be placed under carpets or rugs. They also should not be a tripping hazard.

C. Electrical.

(1) Tenants who are not licensed electricians shall not do any electrical work, nor shall they tamper with any electrical wiring in any way, nor shall they permit third parties who are not licensed electricians to do such electrical work, or to tamper with any electrical wiring in any way.

(2) Electrical light fixtures and other heat-generating appliances shall not be covered with fabric or other combustible material.

D. External decorative lighting, including but not limited to holiday lighting, shall not be hung by tacks or nails in such a manner as to create a fire hazard.

E. Excessive amounts of loose fabric when used as a wall or ceiling covering is a fire hazard and is not permitted.

F. Tenants may not store or place anything in such a way that it might block or prevent the use of a means of exiting from a room, apartment, or building. Items should not be stored by tenants in unfinished areas of buildings (cellars, attics, etc.), which could contribute to combustion in a fire or block access by emergency personnel. (i.e., mattresses, old boxes, lumber, clothes, etc.).

G. Tenants shall not store combustible or flammable liquids in their residence, or in accessory buildings, except in sealed, approved containers.

H. Flammable and combustible liquids shall not be stored in hallways, exits, stairways or areas normally used for the safe passage of people.

I. Unfinished areas of buildings, such as cellars or attics, shall not be used for any activities whatsoever other than for utility purposes.

J. Rugs or carpet shall not be installed in such a way as to obstruct the smooth opening or closing of any doors.

K. Cooking and refrigeration appliances, kitchens, and bathrooms must be kept in a clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.

L. Food garbage shall not be stored on premises in such a way or for such a period of time so as to become a health hazard.

§ 333-5. Infestation and screening.

For single-occupancy premises only:

A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

B. Where rodent infestation exists, windows and other openings in basements and cellars shall be screened to prevent entrance of rodents.

§ 333-6. Garbage and refuse.

A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse within rental dwellings. Storage containers in rental dwellings shall be of an approved flame-resistant material.

B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.
C. Tenants should not place loose bags of garbage and or recyclables outside the premises or in a garage area, except within the confines of a receptacle designed for such use.
D. Tenants shall not store or leave interior furniture outdoors except for disposal in accordance with applicable rules and regulations of the Department of Public Works.

§ 333-7. Junk.

A. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.
B. Junked vehicles, equipment and materials shall not be stored in open areas of premises.

§ 333-8. Domestic animals and pets.

Domestic animals and pets shall be kept in an appropriate manner so as not to constitute a hazard or nuisance. All pet waste shall be promptly collected and disposed of in a sanitary manner.

§ 333-9. Smoke detectors; carbon monoxide detectors; fire extinguishers; sprinkler systems.

A. Smoke detectors and carbon monoxide detectors shall not be removed, damaged or disabled in any way. Smoke and carbon monoxide detectors shall not be disabled by the tenant(s).
B. The detectors shall not be disconnected from a power source or rendered inoperable in any way. Batteries in smoke detectors located in a residential premises must be maintained by the tenant(s) of the premises.
C. It shall be the duty of the tenant(s) of any residential premises to keep and maintain such detectors located within their dwelling unit, or sleeping room, in good repair and operable condition and to notify the landlord to replace any and all devices which are stolen, removed, missing or rendered inoperable during their tenancy of such dwelling unit with an identical device or an equivalent device, as approved by the owner.
D. Fire extinguishers shall not be used for any purpose other than that for which they were designed.
E. Sprinkler systems shall not be tampered with in any way whatsoever, nor shall sprinkler heads be used to hang anything from.

§ 333-10. Exits; hardware for doors.

A. Prohibited locking devices. No hasp, lock, padlock, bar, chain or other device, which is openable only from the exterior, shall be installed by a tenant(s) on any door, which is used or intended to be used, as a means of egress.
B. Locking devices required.
   (1) It is the responsibility of all landlords to ensure that exit doors from dwelling units, and doors from bedrooms, sleeping rooms or lodging units which are located within dwelling units, rooming or boarding houses, in which three or more unrelated individuals reside, shall be equipped with a locking device which is securable by means of a key from the outside and which is provided, on the inside, with a simple type of releasing device, such as a knob, handle or panic bar, the method of operation of which is obvious, even in darkness. No tenant shall remove and/or disable said locking devices.
   (2) It is the responsibility of all landlords to ensure that all openable windows located within 10 feet, measured vertically, or within six feet, measured horizontally, of ground level, or of exterior balconies, porches, stairs, fire escapes, railings, roof surfaces or any other accessible

structure, shall be equipped with sash locks designed to be openable from the inside only. Sash locks shall be easily openable without the use of keys and be maintained in good repair. No tenant shall remove and/or disable said sash locks.

C. Self-closing doors shall not be blocked in the open position, and automatic doors shall not be removed.

D. Exit lights and signs shall not be tampered with. If exit lights are out or malfunctioning, the landlord must be notified.

§ 333-11. Violations and enforcement.

A. Whenever the City Code Enforcement Officer finds that there has been a violation of these standards, the Code Enforcement Officer shall issue a notice of violation and order to remedy to the person or persons responsible. The order shall:

(1) Be in writing.

(2) Identify the premises.

(3) Specify the violation and remedial action to be taken.

(4) Provide a reasonable time limit for compliance.

(5) State the time within which an appeal may be taken.

(6) If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified in the order, the City may remedy the violation.

B. A notice of violation and order may be served as follows:

(1) By personal service upon the tenant(s).

(2) By posting a copy thereof on the door of the tenant(s) premises, or if access thereto is denied, by posting a copy thereof on the outside door of the building and mailing a copy to the tenant(s) in a postpaid wrapper addressed to the tenant(s).

C. In case the tenant(s) shall fail, neglect or refuse to remove, eliminate or abate the violation, or in the case that the owner, lessor or agent fails to cause the tenant(s) to remove the violation within the time specified, the Code Enforcement Officer shall forward the notice of violation to the Corporation Counsel who shall prosecute same as provided herein.

D. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the City may remedy the violation.

§ 333-12. Penalties for offenses.

Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed $250 or imprisonment, or both. Each week that a violation continues shall be deemed a separate offense and so subject the occupant to an additional penalty as provided above.

§ 333-13. Violations constitute substantial obligation of tenancy.

Unless otherwise provided for by state or federal law or the provisions of a lease, the compliance with the provisions of this chapter shall constitute a substantial obligation of every residential tenancy and the violation thereof shall be grounds for termination of the tenancy.