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**City of Newburgh Zoning Code Revisions
Leadership Team/Advisory Task Force Joint Meeting**
May 7, 2013 6:00
City Hall

In attendance for City of Newburgh:

Mayor Judy Kennedy, Richard Herbek*, City Manager; Michelle Kelson, Corporation Counsel; Ian MacDougall, City Planner; James Slaughter, Director, Department of Planning and Development; Lisa Daily, Chairperson, Planning Board; Regina Angelo, Deputy Mayor; Joanne Lugo, Chairperson, Zoning Board; Elizabeth Evans, Assistant to the City Manager**

In attendance for City of Newburgh Advisory Committee:

Denise Ribble, Waterfront Advisory Committee; Peter Smith, Quassaick Creek Watershed Committee; Tiombe Tallie Carter, Newburgh Business Association; Rae Leiner, Community Voices Heard; Joshua Smith, Industrial Development Agency; Deirdre Glenn, Newburgh Armory Unity Center; Philip Howard, Board of Education, Newburgh Enlarged School District;

In attendance for AKRF:

Nina Peek, Project Manager and Sr. Technical Director; Peter Feroe, Project Planner

In attendance for Greater Newburgh Partnership:

Sue Sullivan, Executive Director;* Marcy Handler, Director of Administration & Grants**

In attendance for Orange County:

Megan Tennermann, Orange County Planning; Kate Schmidt, Orange County Planning

Absent:

Mike Vatter, Fire Chief and Code Compliance Officer; Doug Hovey, Independent Living; Mary Crabb, Architectural Review Committee; Rev. Byron Williams, Newburgh Christian Ministerial Fellowship, Peter Gonzalez, Latinos Unidos; Allan Atzrott, Greater Newburgh Partnership; Nancy Proyect, Orange County Citizens Foundation

*Ex-Officio

**Support Staff

Ms. Peek called the meeting to order at 6:30.

This meeting focused on specific areas of the City of Newburgh Map for an in-depth look and discussion. The Future Land Use Plan (FLUP) adopted by the City Council, which is the jumping off point for this code re-write, is mostly very clear in its intention but there are areas that could use additional clarification and specificity.

Overall Changes to Zoning Map

The first question posed to the group was whether there should be one single industrial zone instead of the three that currently exist. Mayor Kennedy recognized the need to simplify, however, was concerned about properties that are currently within industrial zoning districts that would be zoned out if the district were to change.

For properties currently occupied by industrial uses that would be rezoned to other non-industrial uses, the use would continue as a pre-existing non-conforming use, as long as the business continues in that space. However, should the business leave, and lapse for a period of time to be defined in the revised code, then the use of property would revert to as of right uses within the new zoning district. The FLUP recommends creating one industrial district with one definition with the same uses.. The group agreed that creating one industrial district was consistent with the FLUP and still a desired goal.

Discussed were areas to institute form based code with specific look at Lower Broadway, the Liberty/Grand corridor, the Waterfront, and Transit node, all which seem most appropriate for form based code. The group agreed that the areas identified appeared to be the most appropriate for form-based code.

When looking at the residential codes, AKRF suggests considering three residential districts as opposed to the current four. The proposed residential districts would include: single family, two and three family residences, and multi-family (4+). The revised zoning code would further regulate residential uses based on lot sizes and other standards. Ms. Ribble responded that the group should be mindful of a preferential finance rate available for residential mixed use and the terminology used should take this into consideration. The group agreed that reducing the number of residential districts to three was desirable, as only one small area is currently zoned R-4.

Mr. Feroe suggested considering adding a zone for parks and institutional uses, including for example a civic district. Mr. Herbek remarked that a previous community he worked with had gone through a similar process, with a designated parks and recreational zone. AKRF will distribute a map in advance of the next meeting for participants to identify those open space, recreational, institutional, and civic uses that may warrant inclusion in a new district.

AKRF presented the zoning map from the City's adopted FLUP. The group's perception was that the map included too much R-1 (single family homes). The City already experiences an ongoing issue where a multifamily home reverts back to a single family upon sale making it difficult for an existing owner to sell, especially when many of these converted single family houses are quite large. Ms. Kelson cited that the City's adopted code ignored that the row houses were constructed as tenements. The Heights has homes that were built and/or bought as duplexes. The east end of the City doesn't make sense as R-1. It was emphasized that two- and three-family housing is compatible with the historic development pattern of the City and is consistent with the desired pattern of development.

Mr. Slaughter suggested building in guidelines for adaptive re-use of buildings.

Mr. Feroe proposed to revisit the FLUP recommendations regarding residential land uses, and better match the proposed map with the existing uses to establish a hierarchy of residential neighborhoods.

Review by Geographic Zone

The conversation moved to specific site review by geographic zone. The first area under consideration is the vision for Little Britain Road, i.e. what are the best transitions between neighborhoods. Mr. MacDougall commented that the proposed zoning districts, which transition across the City of Newburgh/Town of Newburgh line should be consistent with existing uses. The group agreed with the recommendation to continue the Mixed Use Zone proposed for the northern portion of Little Britain to the south and include the parcel(s) on the north (west) side of the road that had been considered for an R-1 district. The group also agreed that the parcels on the south (east) side of Little Britain that are currently commercial/office uses should remain in a commercial/office zone.

The second area discussed is the western Broadway area where there is a connection to Brookside Pond. The area is an existing commercial/industrial area and the FLUP proposed to rezone this into a single-family residential zone allowing for a residential subdivision with in excess of 60 lots. The discussion focused on existing use/occupancy of the large commercial building, and its relationship with the conservation of the area, and the adjacent land uses. The group agreed that this area should be rezoned into a residential use, with language to preserve the lake and green space.

Discussion moved to the small section of western Broadway that was originally primarily residential but now has many small businesses. The current zoning is commercial and the FLUP recommends rezoning to residential.. Mr. MacDougall reported that the Charrette talked about rezoning the entire full length of Broadway to be retail. However, the City can't support the retail it currently has and the street shouldn't be a divider between zoning districts. Ms. Peek said that mixed use doesn't preclude use for either commercial or residential to which Mr. Feroe added that the commercial uses could be limited to certain kinds of commercial activities to regulate uses. The group agreed that it would be appropriate to rezone this area to a mixed use district to allow for both residential and ground floor commercial/retail uses.

Ms. Schmidt advised that this is a section where Broadway narrows expressing the concern that consideration for setbacks be given to the need to widen Broadway for access. Ms. Kelson questioned how realistic is this option and Mr. Peter Smith said that he has been her for 20 years and nothing has happened. The FLUP talks about the need for transit amenities, not actual transit. Mr. Joshua Smith made a plea for public transportation and asked to create the possibility. Mr. Feroe recapped suggesting taking that vision and putting it in the zoning code with setbacks for new construction to accommodate future transit.

The group moved onto discuss the vision for Wisner Avenue between Broadway and Dupont given the industrial, commercial, and residential uses currently. The group seemed to feel the context indicated mixed use makes the most sense and would encourage future development of the interior of the block. It was recognized that the zoning boundaries would need to be sensitive to existing (oddly shaped) lot lines, but that the general form should be industrial to the north, and a mix of uses to the south.

Due to the hour, the meeting will continue on May 21, 2013

Meeting adjourned at 8:30.