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**City of Newburgh Zoning Code Revisions
Leadership and Advisory Task Force Meeting**
July 23, 2013 6:00pm
St. Luke's Cornwall Hospital, Drake Conference Room

In attendance for City of Newburgh:

Michelle Kelson, Corporation Counsel; Ian MacDougall, City Planner; Steve Hunter, Code Compliance Supervisor; Elizabeth Evans, Assistant to the City Manager**

In attendance for City of Newburgh Advisory Committee:

Peter Smith, Quassaick Creek Watershed Committee; Tiombe Tallie Carter, Newburgh Business Association; Joshua Smith, Industrial Development Agency; Lisa Daily, Planning Board

In attendance for Orange County:

Megan Tennerman, Orange County Planning

In attendance for AKRF:

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

In attendance for Greater Newburgh Partnership:

Marcy Handler, Director of Administration & Grants**

Absent:

Judy Kennedy, Mayor; Michael Vatter, Fire Chief and Code Compliance Officer; Nancy Proyect, Orange County Citizens Foundation; James Slaughter, Interim City Manager*; Deirdre Glenn, Newburgh Armory Unity Center; Denise Ribble, Waterfront Advisory Committee; Regina Angelo, Deputy Mayor; Joanne Lugo, Chairperson; Doug Hovey, Independent Living; Rev. Byron Williams, Newburgh Christian Ministerial Fellowship; Peter Gonzalez, Latinos Unidos; Allan Atzrott, Greater Newburgh Partnership; Rae Leiner, Community Voices Heard; Philip Howard, Board of Education, Newburgh Enlarged School District; Sue Sullivan, Executive Director;*

*Ex-Officio

**Support Staff

Ms. Peek started the group with the draft zoning map that reflects the discussions of the last session.

Edits have been made to the form based districts to include the mixed use areas along Broadway east of West Street; and the north end boundary has been changed to exclude residential blocks and include the park at the south end for open space. The areas within the Downtown form based districts have been renamed Downtown 1, 2, 3. The map captures everyone's comments thus far and will add overlays for the next round. Peter Smith commented on the area on North Street that now houses Congregation Agudas Israel, Temple Beth Jacob, and the Jewish Community Center should be zoned institutional. It was commented that not all church properties are zoned institutional but it is particularly appropriate here as these organizations came together specifically to create an institutional center on the property and because the property is generally bounded by other institutional uses. The map will be updated to reflect this inclusion.

Ian MacDougall requested that two parcels located at the northern end of Robinson Avenue, just south of the City border, be changed from Planned Office to commercial for consistency with a pending application for commercial development. The map will be updated to reflect this change.

For homework, the group was asked to review the revised commercial and industrial definitions and use tables. In reviewing the map, the commercial districts will be combined into one C District (currently they appear on the map as two districts appearing in orange and red), reflecting low and high density. Ms. Kelson remarked she is all for the consolidation. The two commercial districts will be combined into one C District. Planned office spaces will continue to appear in pink.

In starting with the commercial and industrial use definitions, it was noted that there are currently no crematoriums in the City and any need for crematorium is serviced by Cedar Hill. The group felt the definition can be eliminated and the use removed from the table. The community parking area is different than a municipal lot owned by the City. It was felt that the lots should not be restricted for exclusive use of nearby residents and customers of nearby merchants. In addition, it was agreed that the definition should be listed under "P" for parking rather than "community parking." There is currently no dry cleaner definition, which should be special permit in commercial and light industrial areas to provide some assurance to best practices for permit use of strong chemicals. This will be added so that cleaners who clean and launder on the premises are regulated differently than storefronts.

Taxi service/car rental will be a special permit use in commercial and industrial zones with an interest on keeping street parking to a minimum. It was indicated a need to separate the two definitions, and align the taxi service use and definition with existing taxi ordinance that regulates the business. Ms. Kelson will review the ordinance and take another look at the definition.

Ms. Peek reported that AKRF had internal conversations regarding indoor recreation vs. auditorium vs. theater and asked if there was redundancy of functional use between the definitions of activity facility, amusement centers, assembly hall, and theater/auditorium. Mr. Smith thought a theater was different from a banquet hall and could be called a place of public assembly. Adult use would be a Special Permit use industrial districts, only. Ms. Kelson recalled a case in 2001 involving the zoning which she will look up the specifics and report back. Based on her research, we may include adult uses as Special Permit uses in the Commercial Districts as well.

Conversation ensued as to what constitutes the differences between a bar, restaurant, night club. It was decided that in a bar, the primary function is use as a bar but may serve

food, the restaurant's primary function is to serve food with alcohol as an accessory use, and a cabaret entertainment venue definition will be added. Cabaret, but not adult use, will be allowed by special permit in commercial and industrial districts, only. Brewery vs. brew pub was discussed where a brewery is allowable in industrial or light industrial depending on scale which could be considered a cottage industry. It was decided to eliminate brew pub as the definition could be included in the bar definition.

Cottage industry is allowable by special permit use in commercial, planned office, light industrial, but not residential. Cottage industry differs from home occupation and there was discussion on how specific to be. Mr. Hunter brought up a recent call for a hookah business, which was determined to fall under the bar definition although there may be some closer scrutiny for adequate ventilation.

The group felt the rest of the definitions are clear enough. Ms. Peek reminded the group that if the use is not listed, it is assumed to be prohibited.

Since the group did not review the table in the residential review, there was a short backtrack to review the specifics. Cooperative housing west of MSMC, north of Broadway, and east of Robinson needs to be registered. How to regulate off campus housing became a topic of discussion again and whether there was effective zoning tools to assist. Cooperative housing is allowed as of right in R-med and R-high but should be revised to be a Special Permit use in the R-Low. Ms. Kelson noted a new City rental housing licensing ordinance, and stated that there is not a good way to prevent off campus housing but at least if it was registered and there was a problem, they could go after the owner for code violations and the permit expires. Registration, as required in the new ordinance, would not address preexisting non-conforming use but anyone new will need to register. This is difficult to enforce. Mr. Peter Smith indicated that registration it could be an insurance benefit for the owner.

Ms. Peek indicated that the charts will repeat the requirements instead of indicating "the same as" which makes it easier to look up the actual requirements rather than flipping pages. The group ran through the listing of special permitted uses in R-Med and R-High with no comments.

Focusing on the commercial and industrial use tables, conversation continued regarding rooming house vs. boarding house. Rooming houses are not allowed in any residential districts and considered single room occupancy hotels whereas a boarding house could be renting out rooms in a 5 bedroom Victorian which are plentiful in Newburgh. Mr. Hunter indicated that this is a problem area and requested a stronger definition identifying the use of common areas to describe the difference. AKRF will redefine to better describe.

Drive thru will be allowed by special permit in Commercial and Industrial Districts with particular attention to passing over sidewalks.

Mr. Feroe introduced Discussion about moving some of the uses requiring Special Permits in the C District to As of Right uses. Ms. Tennerman suggested from an economic development standpoint to reduce the list requiring a special permit list. Ms. Kelson added they should not double up on things that are regulated with site plan submission. Amusement center, animal care facility, bowling alley, funeral home, pool halls, shopping centers, and tattoo parlors were moved to the As of Right uses in the Commercial Districts. Although defined separately, tattoo parlors would be considered personal service uses and moved to the As of Right list under that category. Cabaret will be added as an as of right use in the industrial zone and any adult use will be changed to special permit only in the Industrial District and pending additional research by Michelle Kelson may be added as a Special Permit use in the Commercial District. Changes to

the planned office zone include: technical schools by special permit, animal care facility, day care center; restaurant, adult day care facility, and bar will be as-of-right uses.

The next section to be discussed on August 6, will be the overlay districts, which provide an extra layer of protection for specific areas in the City. Homework will be distributed next week.

The next meeting is scheduled for August 6, 2013 at 6:00 pm in the Drake Conference Room on the first floor at St. Luke's Cornwall Hospital, 70 Dubois St. Please park in valet parking.