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**City of Newburgh Zoning Code Revisions
Leadership and Advisory Task Force Meeting**

July 9, 2013 6:00pm

St. Luke's Cornwall Hospital, 2nd FI Nurse's Conference Room

In attendance for City of Newburgh:

Judy Kennedy, Mayor; Michelle Kelson, Corporation Counsel; Michael Vatter, Fire Chief and Code Compliance Officer; Ian MacDougall, City Planner; Steve Hunter, Code Compliance Supervisor

In attendance for City of Newburgh Advisory Committee:

Peter Smith, Quassaick Creek Watershed Committee; Nancy Proyect, Orange County Citizens Foundation; Tiombe Tallie Carter, Newburgh Business Association; Joshua Smith, Industrial Development Agency; Lisa Daily, Planning Board

In attendance for Orange County:

Kate Schmidt, Orange County Planning

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**

Absent:

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; Mary Crabb Architectural Review Committee; 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

*Ex-Officio

**Support Staff

Ms. Peek started the group with the draft zoning map that reflects the discussions of the past months and then proceeded to comments submitted by Denise Ribble and a question on overlay from Mr. Peter Smith.

The overlay districts, which will be the focus of an upcoming meeting, will impose additional requirements in addition to the requirements of the underlying zoning for the area. One of the overlay districts will include Quassaick Creek and will provide Quassaick Creek and extra layer of protection and help further the goals of open space and access. The overlay will extend to Gidneytown to Quassaick Creek and Muttachoes Lake. Mr. MacDougall noted that it will be a challenge to demarcate the overlays on the map. Ms. Peek expressed her preference to follow parcel lines as they are clearly defined.

Mr. Feroe presented the residential district strategy. There are 3 residential zones delineated based on parcel size and street frontage. The largest lots with the lowest density are generally in the north and west, while the medium lots are generally to the far west, north central, and north east. The western and southern portions of the City generally contain the smallest lots and higher unit count per lot.

On Bay View Terrace on the east side, the city owned property is an unofficial park. There are covenants on the properties, which could be identified through title searches. Mr. MacDougall suggests changing the areas on Bay View currently yellow (residential) to green to be kept as open space. Ms Peek said these properties aren't developable anyway and suggested that include these properties in an overlay: so that an additional layer of review would be required, but the properties remain in an industrial zone, thereby avoiding any property taking issues – particularly because the area is not developable anyway.

Mr. MacDougall noted the blue square (institutional) on Marne and 9W is open space but owned by the school district, not the City. Mr. MacDougall also noted that the Downtown district from the Lake St. node should stretch down to the other Downtown district for effective TOD (transit oriented development) and create a separate overlay to include complete streets. There was a short discussion whether this was a zoning issue or a policy issue. Mr. Feroe suggested adding guidelines to give applicants and the City guidance on what is desired, even if it's not required. Mr. MacDougall also brought attention to the area at the base of Renwick where there is a waste water treatment plant. There is a piece in blue and the rest is green for open space, however, Mr. MacDougall thinks this is one parcel and will check with GIS to make sure. Both Mr. MacDougall and Ms. Kelson questioned the park area at the base of South St. which needs to be dedicated as a park formally. The streets indicated around the park are paper streets.

In response to the comments Ms. Ribble distributed to the group in her absence, conversation ensued and concluded with the following remarks: The Waterfront District will be form based code with its own code. The area planned for in the Charrette is not the same area to be zoned planned waterfront, as defined in the FLUP. Height limitations are tackled in the form based scenic views. In the residential definitions, the code will not have mixed use. The zoning code definitions will be revised to have one, two, three, and four family homes, and then multi-family homes at 5 and above. The difference between low/med/high density is mostly based on lot size with the larger lots one and two family, medium smaller, and high smaller still. It was noted that near the bluff there are small lots some with single family residences and some with four families. It is possible to label R-2500 indicating lot size but that may be even more misleading.

Next area discussed was the definition text for residential areas:

A definition for four family house will be added. To differentiate a basement from a cellar, a definition for cellar will be added.

The dance instruction definition can have 9 dancers and public schools are institutional in a residential district by permit.

A bed and breakfast is owner occupied with 1 – 5 guests plus the owner, otherwise it is a hotel. No public bars or restaurants will be allowed in bed and breakfasts.

Lengthy discussion on boarding house vs SRO ensued around safety, tax assessment issues. Ms. Peek suggested “cooperative households” to describe. Mayor Kennedy suggested to add owner occupied with the difference in the owner present taking care of things. Ms. Peek advised that such a qualification is not enforceable. Mr. Feroe raised the question of how to treat off-campus housing, boarding houses, and cooperative households separately. Ms. Kelson requested more requirements to regulate cooking and how many people are living there. Chief Vatter cites the potential circumstance of attempting to get people out in case of a fire to find padlocked rooms. Mr. Hunter agreed with Chief Vatter with the need for more regulation in this area and determining what constitutes habitable space. Off campus housing can be termed cooperative household. Chief Vatter wants square footage to be incorporated into off campus housing citing an incident in 2006 that could have been deadly.

Group homes are different from boarding homes and cooperative homes as they are licensed and regulated by the State.

Mr. Hunter also added that artist live/work specific areas need to be in habitable space.

Daycare centers are also different from Family Day Care. Adult daycare is largely the same as a daycare center but not as protected in State law but not allowed as a home business and in commercial districts only. Licensed group homes are already in code. The definition of family will be edited to remove “related by blood” which is not enforceable and no one’s business. Ms. Peek cautioned the fine line to regulate for more control: Zoning regulates uses not users. Ms. Kelson added that based on New York State Case Law, it may be impermissible to add additional restrictions for family day care uses, including off-street parking or the necessity of obtaining a special use permit, above those in place for the underlying zoning district. Other home occupations would be special permit uses in the residential districts

The next meeting will review the residential use table and rest of the definitions. Comments on the table and special permit standards will be revised into the final version. Also, AKRF will be distributing the commercial use table and the commercial district definitions on July 16th for discussion on July 23rd.

The next meeting is scheduled for July 23, 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.