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**City of Newburgh Zoning Code Revisions  
Leadership and Advisory Task Force Meeting**  
August 20, 2013 6:00pm  
St. Luke's Cornwall Hospital, Drake Conference Room

**In attendance for City of Newburgh:**

Judy Kennedy, Mayor; Michelle Kelson, Corporation Counsel; James Slaughter, Interim City Manager\*; Jesse Morrill, Code Compliance Officer; Elizabeth Evans, Assistant to the City Manager\*\*

**In attendance for City of Newburgh Advisory Committee:**

Peter Smith, Quassaick Creek Watershed Committee; Rae Leinier, Community Voices Heard; Joshua Smith, Industrial Development Agency; Lisa Daily, Planning Board; Deirdre Glenn, Armory Unity Center

**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

**In attendance for Greater Newburgh Partnership:**

Marcy Handler, Director of Administration & Grants\*\*

**Absent:**

Nancy Proyect, Orange County Citizens Foundation; 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; Philip Howard, Board of Education, Newburgh Enlarged School District; Sue Sullivan, Executive Director;\*

\*Ex-Officio

\*\*Support Staff

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Ms. Peek recapped the status of the project: after a hiatus at the request of the Interim City Manager for City staff to attend a community event it is anticipated that the focus will be kept as not to lose time and blend the areas to be covered into the remaining few sessions.

This meeting will consider conservation districts in two areas: the Snake Hill area and a group of parcels including the former site of the Christmas Tree Factory. The goal is to promote development of sites that contain sensitive environmental features that traditional zoning may not adequately protect. The conservation district zone will require protection of sensitive environmental features (steep slopes, wetlands, etc), and an open space set-aside, in exchange for flexibility with bulk and area requirements, and density. The code will include a formula to develop net buildable area and establish base residential density. The Planning Board would have discretion for incentivizing development by granting additional density if specific conditions are met.

Mr. Peter Smith brought up the potential for a Transfer of Development Rights and Purchase of Development Rights. Ms. Peek deferred to Ms. Kelson as to whether the City wants to engage in this kind of very specific technical arrangement. Ms. Kelson felt that if a situation was to arise the City might want to have the flexibility. For the purpose of this revision, the need would be to identify property now that has such environmental sensitivity to be designated a priority area for rights to be transferred and a priority area for preservation. Mr. Smith had a specific example in mind of assets outside the city limits. Ms. Peek advised that the Transfer or Purchase of Development rights within the City limits may be something that the City could consider in the future, but inter-municipal agreements are outside the purview of the zoning code.

The basic formula for the Conservation Development District is the gross site area less the slopes, wetlands, streams, lakes, flood plains and other environmentally sensitive features divided by some number of square feet (5,000 or 10,000 was discussed) to arrive at the allowable number of units overall. In addition, the group discussed various options for an open space set-aside (50% was provided as an example) with building at maximum length of 200 feet, 4 stories, and 40 feet in height. There is room for the Planning Board to negotiate with the developer for additional community benefits by way of allowing an increase in density (20% was discussed).

Mayor Kennedy questioned setting specific numbers of units. Ms. Peek advised the need to set a baseline to provide boundaries but allow the Planning Board the flexibility to adjust given the individual situation. Ms. Glenn agreed commenting that if the code is arbitrary, it is open to interpretation. Ms. Peek also pointed out that the City could incentivize development in the CDD by building a density bonus in the code. Ms. Daily commented that the number of units is not set in stone but provides a guideline to the aesthetic that is envisioned. Ms. Peek offered a hypothetical calculation of units for the Christmas Tree Factory site. Mr. Peter Smith suggested perhaps overlaying a housing project such as Lake Street to get a visual feel for the density. The other piece of the Conservation District is the percentage of open space. Ms. Peek recommended 50% of the buildable area as a mandatory set aside, but left it to the group to consider for the next meeting.

Conversation ensued around the opportunities for active/passive recreation and public access, provision of trails for waterfront access and whether an exchange could be made for a park in another area of the City than the development site. The group recommended to not create more parks as the City has difficulty maintaining the parks it already has. Recreation fees can be used in lieu of such accommodations. Mr. Slaughter commented that the City imposes a per unit recreation fee but currently, it is not enforced and Mayor Kennedy added that the tax rates make it difficult for the City to create more fees to raise revenue.

The procedural piece to process the application was outlined with the general goal in developing a streamlined process. Ms. Kelson advised much of the process is already in place, but that site plan applications in the Conservation District should be referred to the CAC.

To accommodate members of the Planning Board with another meeting ahead, discussion of the Water Protection Overlay District was deferred to the next meeting. The question of how solar panels would be handled in the code came from an IDA member. Ms. Kelson advised that if solar panels were to be considered, so should satellite dishes. Conversation on the scope proposed more questions for consideration and the conversation was temporarily deferred. A question regarding tattoo parlors, which was zoned commercial as a personal service came from a member of the Orange County Planning Department citing that this is not a licensed personal service such as a hair stylist and manicurist and the City may not want them to be included with licensed services. Ms. Tennerman advised that only the comments of Mr. David Church, Orange County Planning Commissioner, should be considered as a departmental recommendation and Ms. Peek acknowledged that this was not among Mr. Church's comments.

Meeting adjourned at 7:35.