



PO Box 1151
Newburgh, NY 12551
(845) 568-2558
greaternewburghpartnership.org

**City of Newburgh Zoning Code Revisions
Leadership and Advisory Task Force Meeting**
October 8, 2013 6:00pm
St. Luke's Cornwall Hospital, 2nd floor Conference Room

In attendance for City of Newburgh:

Michelle Kelson, Corporation Counsel; Ian MacDougall, City Planner; Bill Giametta, Code Compliance; Elizabeth Evans, Assistant to the City Manager**

In attendance for City of Newburgh Advisory Committee:

Peter Smith, Quassaick Creek Watershed Committee; Joshua Smith, Industrial Development Agency; Deirdre Glenn, Armory Unity Center; Rae Leiner, Community Voices Heard; Andrae, Community Voices Heard; Lisa Daily, Planning Board; Tiombe Tallie Carter, Newburgh Professional Business Association

In attendance for Orange County:

Kate Schmidt, Orange County Planning Department

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:

Judy Kennedy, Mayor; James Slaughter, Interim City Manager; Chuck Thomas, 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;* Nancy Proyect, Orange County Citizen's Foundation.

*Ex-Officio

**Support Staff

Prior to the meeting, Ms. Kelson forwarded comments to Ms. Peek regarding the roles and titles of Building Inspector and Code Compliance Supervisor as they are referred to in the Charter under the Bureau of Code Compliance. Based on those comments, Ms. Kelson recommended that the zoning official should be the Building Inspector. Ms. Peek asked if the Building Inspector could serve as the gatekeeper for processing various applications through the appropriate administrative process. Mr. Giametta advised that is how the process currently works. Currently, and application is submitted and an informational meeting is held with the application to provide them with a mini-road map outlining the appropriate steps for a project. The informational meeting is very basic, can be a meeting or written instructions outlining what is needed.

Ms Kelson indicated that Interim City Manager has operational concerns with the administrative procedures, which include the Pace University streamlining recommendations previously adopted by the City Council. Ms. Kelson indicated it was her understanding that the Interim City Manager was preparing a proposal to revise the application procedures and that it did not make sense to proceed with the review of the procedures without the benefit of the Interim City Manager's comments. Ms. Daily indicated that the Interim City Manager expressed an idea for procedure that is a fundamental change. Mr. MacDougall added that this is forum to discuss and propose such changes, but noted that the current process, as outlined in the proposed text would be the most efficient way to proceed. All agreed it would be useful to have guidance on what the Interim City Manger's intentions are. Discussion on this portion of the text was tabled.

The group moved onto the escrow portion for discussion. Ms. Kelson expressed apprehension about exempting any one group from escrow requirements.. Ms. Kelson remarked that in 12 years, the IDA has not had one application in front of the boards so whether they should be exempt from escrow fees – has not been an issue to date. Ms. Peek recommended removing the whole section. If the Planning Board decides to waive escrow fees for any group, they can do so on a case by case basis. The Planning Board has that discretion. Ms. Kelson indicated that the escrow fees are currently handled very erratically. The consulting engineer sets the fees now, but not with any regularity. The process needs to be communicated and implemented. Ms. Kelson noted that this is more an implementation problem than a procedural one.

Ms. Peek then walked everyone through a discussion of how applications are currently processed and how to improve, streamline and standardize the process. Through discussion it was clear that there is not currently a standard procedure for processing applications. . The group wants a standard process for each application with a small fee to cover staff time. The group requested an optional informal meeting with the Planning Board for site plan and special permit applications followed by a mandatory technical informational meeting with various City Staff. For straightforward applications, the City Staff can waive the requirement for the technical informational meeting, and prepare a report instead. If a report is to be prepared, it would be turned around in 10 days.

Ms. Kelson noted that the proposed text should be revised to remove reference to filings in the office of the City Clerk indicating that property records will remain in the offices of the building department except for decisions from the boards which will be filed with the City Clerk.

The text should be revised to eliminate, where appropriate, references to chapters in the City Charter or local codes and references to the State Uniform Fire Prevention and Building Code will be substituted.

The Building Inspector has 30 days to act on an application to either direct it to the Planning Board, Zoning Board, ARC or other supervisory board – of issue a building permit. At present, building permits can be renewed three times. The text should be revised to indicate that if an applicant withdraws an application, fees will not be refunded.

Ms. Kelson added that no Certificate of Occupancy will be issued until the escrow bill is paid.

At present, penalties for zoning violations are charged for each day of violation and that section of the code should remain as is.

At present zoning text amendments require mandatory referral from City Council to the Planning Board.

A long conversation on the required procedures for evaluating changes of use ensued. The basis of the conversation was to determine whether *any* change of use would trigger site plan approval. Should a change from one similar use to another similar use require site plan approval (i.e. retail to retail)? Michelle Kelson noted that requiring site plan approval for any change of use allows the City to keep track of new uses. Ms. Peek indicated that this could be part of the gatekeeper's responsibility. Building compliance can be empowered at the permit application stage to waive site plan review but the general rule will be everything needs a site plan approval. It was also noted that the Planning Board can waive specific requirements at work sessions.

Mr. Feroe will prepare a table that codifies actions in each zoning district that would trigger a site plan review, special use permit and would be considered as-of-right for a more specific discussion of this issue. .

The group moved onto the procedure section. It was agreed to rewrite the pre application meeting section to reflect Ms. Kelson and Ms. Daily's comments. The Planning Board members were asked to closely review the evaluation criteria for Site Plan and Special Permit review. Currently there is no mandatory hearing on site plan, and Ms. Kelson requested that that provision remain as a discretionary action of the Planning Board. Tree specifics will be removed and will rely on recommendations from the Conservation Advisory Council. The group did not think there should be a separate section regulating lighting, but agreed that the lighting criteria as proposed would be sufficient.

A question was posed on field changes from as built plans and should they go back to the Planning Board. Language will be added to be more clear.

The next meeting is scheduled for October 22, 2013 in the Drake Conference Room at St. Luke's Cornwall Hospital at 6:00 pm.