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**City of Newburgh Zoning Code Revisions
Leadership and Advisory Task Force Meeting**
September 10, 2013 6:00pm

St. Luke's Cornwall Hospital, Second Floor Nurses' Conference Room

In attendance for City of Newburgh:

Judy Kennedy, Mayor; Michelle Kelson, Corporation Counsel; Ian MacDougall, City Planner; Steve Hunter, Building Inspector

In attendance for City of Newburgh Advisory Committee:

Peter Smith, Quassaick Creek Watershed Committee; Joshua Smith, Industrial Development Agency; John Ledwith, Architectural Review Commission; Deirdre Glenn, Armory Unity Center

In attendance for Orange County:

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:

James Slaughter, Interim City Manager;* Nancy Proyect, Orange County Citizens Foundation; Lisa Daily, Planning Board; 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;* Megan Tennerman, Orange County Planning Department; Elizabeth Evans, Assistant to the City Manager**

*Ex-Officio

**Support Staff

Mr. Feroe began the meeting with the Conservation Development District in which some language had been revised based on the conversation at the 8/20 Leadership and Advisory Task Force meeting and redistributed for review. Peter prepared and distributed a packet comparing density for various areas in the City. The exercise was suggested by Mr. Peter Smith; at the 8/20 meeting and Mr. Feroe indicated he did not circulate the materials earlier as he felt some explanation was required. Mr. Feroe guided the group through the specs comparing the overall residential density at the Lake Street Apartments with the Bourne Apartments, which are totally different in scale and density. Surprisingly, a block from the Historic District was about the same density as the Lake Street Apartment. Then returning to the discussion of the Conservation Development District and taking the exercise to Snake Hill—a density of approximately 200 units on a contiguous portion of the unconstrained land would yield roughly the same density as the Historic District and Lake Street Apartments. Because the Snake Hill site is a unique site, a careful review of what needs to be protected followed.

Mr. MacDougall responded that there is not enough language regarding the conservation of vegetation, steep slopes, and storm water or view preservation. To be environmentally sensitive, he felt the slope limitation should be 20% rather than 30%. Ms. Peek advised that the current regulations do not allow for construction on slopes over 40%. Ms. Kelson and Mr. MacDougall agreed that the current code is not an effective benchmark. To answer Mayor Kennedy, Mr. Peter Smith advised that 30% of the slope depends on geology and Snake Hill is shale and not safely buildable. Mr. Feroe explained that the data for elevation came from the county and it is assumed that whoever develops the land will do a 1' survey. It is easier to give back as a bonus at SEQRA if there are less steep slopes than thought. The group agreed that the CDD regulations should limit development on slopes over 20%.

Mr. Peter Smith asked what number of units, would render the site financially feasible and attractive to a potential developer. Ms. Peek reminded that the City owns the parcel and can set the sale price when an interested developer approaches. At this point, it is not possible to anticipate what the market will bear. The proposed residential density of 200 units is consistent with other areas in the City. Mayor Kennedy indicated that a higher density on a smaller area with open space could protect what we are trying to protect, but because of the open space, it won't feel as dense as the East End.

The proposed CDD regulations also include a mandatory referral from the Planning Board to the Conservation Advisory Council, with comment to be provided within 30 days of receipt to facilitate the process and gather valuable input.

Ms. Peek suggested regulations regarding the site plan application process for CDD developments to include methodology for the Planning Board. Mr. MacDougall offered to draft additional application procedure requirements.

The group moved onto the Waterbody Protection Overlay District, which includes all land within 100' of the banks of a waterbody. Any development located on a parcel within the WPO – would require site plan approval due to its proximity to an environmental feature. Mr. Feroe indicated that most of the parcels within the proposed WPO are City owned. The regulations allow for a property owner to show, if this is the case, that encroaching into the 100 feet is the only viable development option, and the only option for a reasonable return on his investment. Referral of applications within the WPO to the CAC will also be mandatory with 30 days to provide comment.

The next section was Park, Open Space, & Recreation. Mr. MacDougall questioned the need for a separate district. Mr. Feroe explained that this is a mapped district and allows the permitted uses. Ms. Glenn said that she liked the way this section read: short, clear, and concise. A short conversation ensued on designated parks and the pocket parks sprinkled throughout the City that are not designated parks. Ms. Kelson advised that

designated park land cannot be undone without approval of the State and Ms. Peek added that including parkland with the Parks, Open Space and Recreation District doesn't make it a designated park.

The group moved onto the Institutional District which includes hospitals, colleges, sewage treatment plants, and schools. Institutions will be required to come in for site plan approval and must include a master plan.

Ms. Kelson described an ongoing difficulty with institutional acquisition block by block and parcel by parcel hoping this would provide more disclosure in a larger context by looking at long range plans making for better community partners. The purpose is not for the Planning Board to say they can't do what they want, she explained, but the Planning Board is there to help and by looking at a bigger picture, they can better assist in the process. Mayor Kennedy agreed that the boards are often considered the bad guys. Ms. Peek commented that the Newburgh Zoning Code is very hard to get through even for someone who does this for a living. She added that more clarity in the rules, provides less discretion for the Planning Board making it easier for the PB to do their job and easier to implement and work with a developer to develop a site.

In this draft of the zoning, it is important to note that colleges and hospitals are only allowed in an institutional district. Therefore, if they want to expand beyond their present boundaries, they would need to petition for a specific area to be rezoned.

The final section for discussion at this meeting was the Neighborhood Overlay District. There was a suggestion to add a section requiring site plan approval for applications within this Overlay District. Both Ms. Kelson and Mr. Hunter suggested to eliminate the proposed language that would allow two principal structures on a lot deeper than 125' as they are hard to access and see to regulate, often necessitating a search warrant. Ms. Kelson recommended that language should be added to the proposed code to require site plan approval for changes of use within the Neighborhood Overlay. Ms. Glenn questioned there are so many properties listed by the City as "storage" which would require approval for a change of use.

The general administrative sections have procedural text which Ms. Kelson, Ms. Daily, and Mr. Hunter are asked to review closely. Ms. Peek has a separate section for administration and enforcement that she will email to Mr. Hunter and Ms. Kelson for their input prior to distributing it to the entire group.

The architectural section is in two weeks to be followed by the form based code section.

The next meeting is September 24, 2013 at 6:00 pm in the Drake Conference Room at St. Luke's Cornwall Hospital.