

# CITY OF NEWBURGH FUTURE LAND USE PLAN

City of Newburgh, New York

Addendum to 2008 "*Plan-It Newburgh*" Sustainable Master Plan

Adopted: September 12, 2011

BFJ Planning

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**Prepared on behalf of:**

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**Adopted: September 12, 2011**

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## SECTION 1.0 INTRODUCTION

### 1.1 Project History

The *Plan-It Newburgh Sustainable Master Plan*, adopted December 8, 2008, describes the “visions and hopes of the city regarding future growth and development.” Goals, targets and strategies in the Plan outline how the City of Newburgh will accommodate growth and development until the target date 2040. The objective of the Plan is to direct and guide public and private decisions and actions in a consistent and logical manner (pg. 8).

Although the Master Plan identifies and describes issues regarding land use planning, the document does not contain a future land use component, which provides a framework for potential future zoning changes. This Future Land Use Plan supports the goals enumerated in the 2008 Master Plan and has been prepared as an addendum to the plan, pursuant to the New York State General City Law §28. This Future Land Use Plan is the land use component of the Master Plan. All subsequent land use regulations must be in accordance with this plan.

### 1.2 Project Purpose and Need

A Future Land Use Plan geographically illustrates general future land uses based on the policies stated in the Master Plan. While the Future Land Use Plan recognizes existing land use patterns and environmental constraints, it also considers potential future development, infrastructure improvements and economic trends. The Future Land Use Plan maintains many of the City’s existing land uses. However, there are areas where land use designations are either obsolete or do not represent the highest and best use for an area; in these areas a new land use designation is proposed. The highest and best use for each area is based on the policy recommendations of the Master Plan. Where proposed future land uses shown on the Future Land Use Plan are inconsistent with existing zoning, zoning changes are necessary in order to implement the future land use recommendations contained in this Plan. Such zoning changes are the next step in the City’s efforts to implement the Master Plan and should commence when this Plan is formally adopted by the City Council.

While the Newburgh Master Plan and the Future Land Use Plan addendum provide policies to guide future land use and economic development decision-making in the City, it is only the first step in achieving Newburgh’s goals for its future. Once the Future Land Use Plan addendum is adopted, the City must implement the recommendations of the plan in order to put them into action.

### 1.3 Statement of Compatibility

Existing land uses in adjacent municipalities were taken into consideration in the preparation of this Future Land Use Plan. Specifically, land uses along the municipal boundaries of the City of Newburgh and the adjacent towns of Newburgh and New Windsor were reviewed to ensure consistency with any proposed land use changes in the City with existing land use patterns in these adjacent towns. Existing land use data compiled by the Orange County Office of Information Services formed the basis of this review. All proposed future land uses described in this Plan are consistent and compatible with existing land uses in the neighboring towns of Newburgh and New Windsor.

In addition to land use compatibility, another major compatibility issue of importance to the City related to its neighboring towns is maintaining the quality of the City's drinking water supply. In order to meet the demand associated with the region's growing population as well as to continue to support the area's existing population, it is essential to protect and conserve the area's water sources<sup>1</sup>. However, this goal presents a challenge to the City of Newburgh, since the City's drinking watershed is located outside of the municipal boundary of the City, within the towns of Newburgh and New Windsor. Currently, the City has no internal controls to mitigate potential impacts to its drinking water supply as it does not control land use development and other regulatory processes in the lands surrounding the water supply. The only opportunity the City currently has to assess the impact of projects located outside the City that may affect its watershed is through the review of these projects pursuant to the New York State Environmental Quality Review Act [6 NYCRR Part 617 (SEQR)]. The City needs to be involved as an interested agency in all land use decisions and proposed regulations within the towns of Newburgh and New Windsor that may have an effect on the City's drinking water supply; projects determined to have an impact on the health and safety of the watershed need to be referred to the Orange County Planning Board and Department of Health. The Northeast Orange County Water Supply Feasibility Study (November, 2010) recommends that the City foster binding inter-municipal agreements with its neighbors to maintain the quality of the water supply. The study also recommends the City cooperate with the County Planning Department and the Orange County Water Authority (OCWA) and undertake a natural resources inventory of its drinking watershed and a drinking watershed management plan. In order to ensure that development in neighboring towns is protective of the City's water supply, the City will take into consideration the recommendations of the OCWA study.

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<sup>1</sup> Northeast Orange County Water Supply Feasibility Study, Orange County Water Authority, November 2010. [waterauthority.orangecountygov.com](http://waterauthority.orangecountygov.com)

## SECTION 2.0 EXISTING LAND USE AND ZONING

### 2.1 Land Use Survey

In March 2010, the City of Newburgh undertook the first phase of its Future Land Use Plan by surveying all existing land uses in the City. With the assistance of the consulting firm, BFJ Planning, land uses for all of the City's parcels were inventoried and cataloged. During a two-week period, surveyors visited and recorded the existing land use of each tax lot in the City. Table 2-1 presents a list of the generalized land use categories used in the survey. For consistency all specific land uses were condensed into these generalized land use categories. However, for clarity, a distinction was made between buildings containing a mix of residential and commercial uses and buildings containing a mix of retail and office uses.

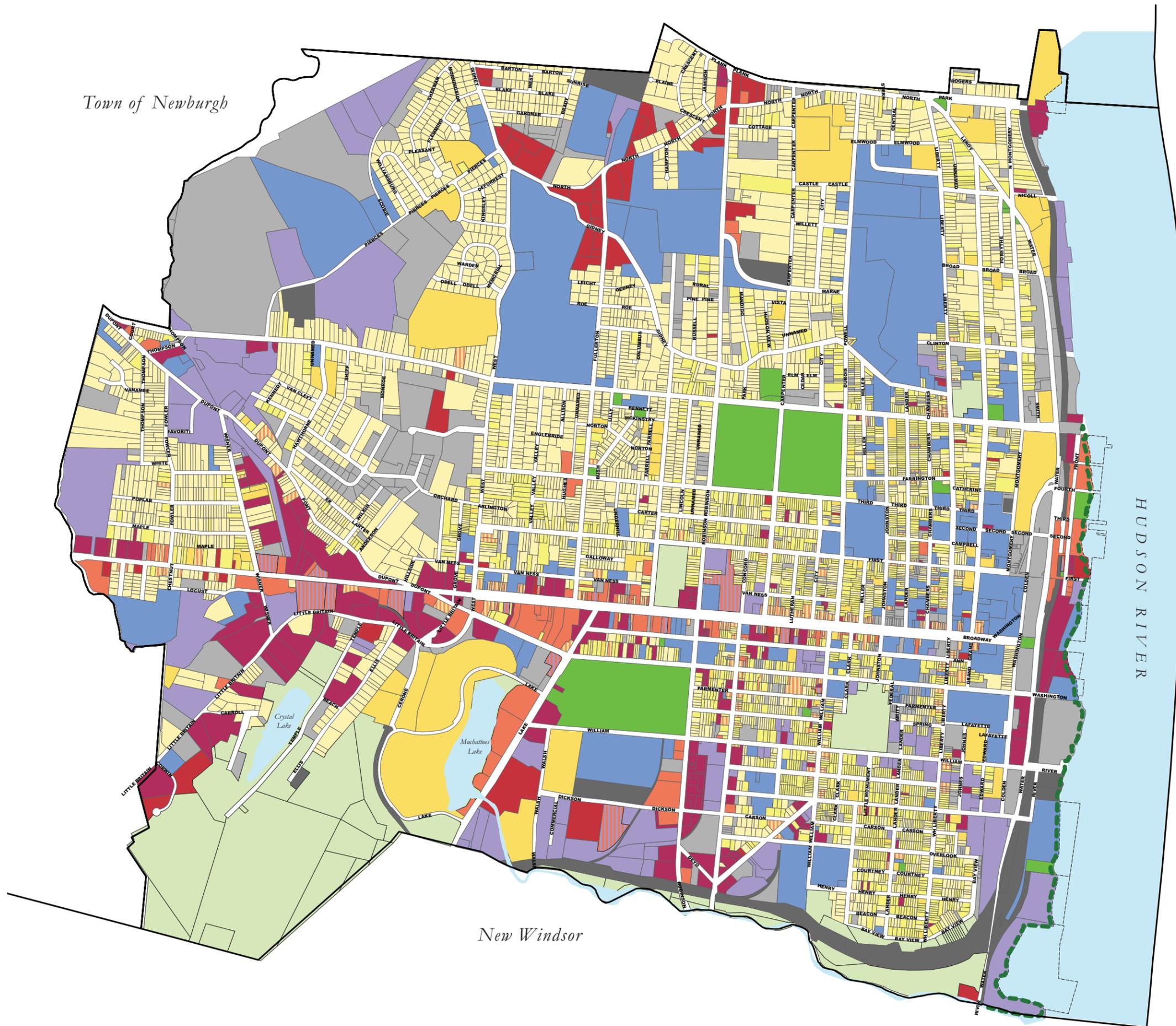
**Table 2-1: Existing Land Use Categories**

<b>Land Use Categories</b>
<b>Single-Family Family Residential</b>
<b>2-4 Family Residential</b>
<b>5+ Family Residential</b>
<b>Retail</b> (i.e. store, restaurant, bar, barber shop, salon, etc.)
<b>General Commercial</b> (i.e. auto body shop, gas station)
<b>Office</b>
<b>Mixed-use with Residential</b> (i.e. residential building with ground floor retail)
<b>Mixed-Use with no Residential</b> (i.e. offices with ground floor retail)
<b>Industrial</b> (i.e. warehouse, factory, manufacturing plant, junk yard)
<b>Institutional</b> ( i.e. public buildings, educational facilities, churches, hospitals, cemeteries, libraries)
<b>Parks and Recreational Space</b>
<b>Open Space</b>
<b>Utility</b>
<b>Vacant Land</b> (no buildings)

### 2.2 Existing Land Use Map

The results of the land use survey were compiled to create an Existing Land Use Map of the City of Newburgh. The Existing Land Use Map (see Figure 2-1) presents an illustrative inventory of all land uses by parcel within the City of Newburgh. This map was reviewed by City Staff and the City's Land Use Committee and was publically vetted at a workshop held on May 26, 2010. Following this process, comments were reviewed, and corrections, where necessary, were made to the map. The Existing Land Use Map has no legal status and is intended to be used primarily as a resource and informational tool. It is also important to note that a city's land uses are constantly changing and that the Existing Land Use Map, as with any existing land use map, presents a snapshot in time.

Figure 2-1:  
Existing Land Use Map



- LEGEND**
- Single Family
  - 2-4 Family
  - 5+ Family
  - Mixed Use w/ Res.
  - Mixed Use no Res.
  - Retail
  - Office
  - General Commercial
  - Industrial
  - Institutional
  - Park
  - Open Space
  - Utility
  - Vacant Land



### 2.3 Existing Land Use Patterns

As shown in Table 2-2, residential uses account for over a third of Newburgh’s total land area. The majority (63%) of these residential uses are single-family homes, as most of the City north of Broadway is zoned R-1 (One-Family Residential). Broadway, Newburgh’s main commercial street tends to split the City by land use. Most of the single family residences are located north of Broadway, while a significant amount of commercial and industrial uses are located south of Broadway. A large cluster of general commercial and industrial uses can also be found in the area generally bounded by Wisner Avenue, Dupont Avenue, and Broadway. Historically, manufacturing uses in this area were located along Quassaick Creek. Mixed-use development, which accounts for only 2.0% of the City’s land use, is mostly found along Broadway.

**Table 2-2: Existing Land Uses (March 2010)**

<b>Land Use</b>	<b>% of Total Land Area</b>
<b>Residential</b>	
Single-Family Family Residential	23.4%
2-4 Family Residential	7.4%
5+ Family Residential	6.3%
<b>Total</b>	<b>37.1%</b>
<b>Commercial</b>	
Retail	2.3%
General Commercial	4.9%
Office	2.0%
<b>Total</b>	<b>9.2%</b>
<b>Mixed Use</b>	
Mixed-use with residential	1.1%
Mixed-use no residential	0.9%
<b>Total</b>	<b>2.0%</b>
<b>Industrial</b>	8.7%
<b>Parks/Open Space/Recreation</b>	11.8%
<b>Institutional</b>	16.2%
<b>Utility</b>	4.0%
<b>Vacant Land (no buildings)</b>	11.1%

Institutional uses account for 16.2% of the City’s total land area. These uses include government facilities, churches, schools, colleges and hospitals and -are characterized by their not-for-profit or tax-exempt status.

The City’s large percentage (11.1%) of vacant land represents a significant opportunity for revitalization. Some of the significant areas with vacant parcels include: the West Med Tech Site, the Consolidated Iron site, parcels on Broadway between Johnson Street and Lander Street, industrial parcels in the northwest portion of the City, and city-owned parcels along Water Street.

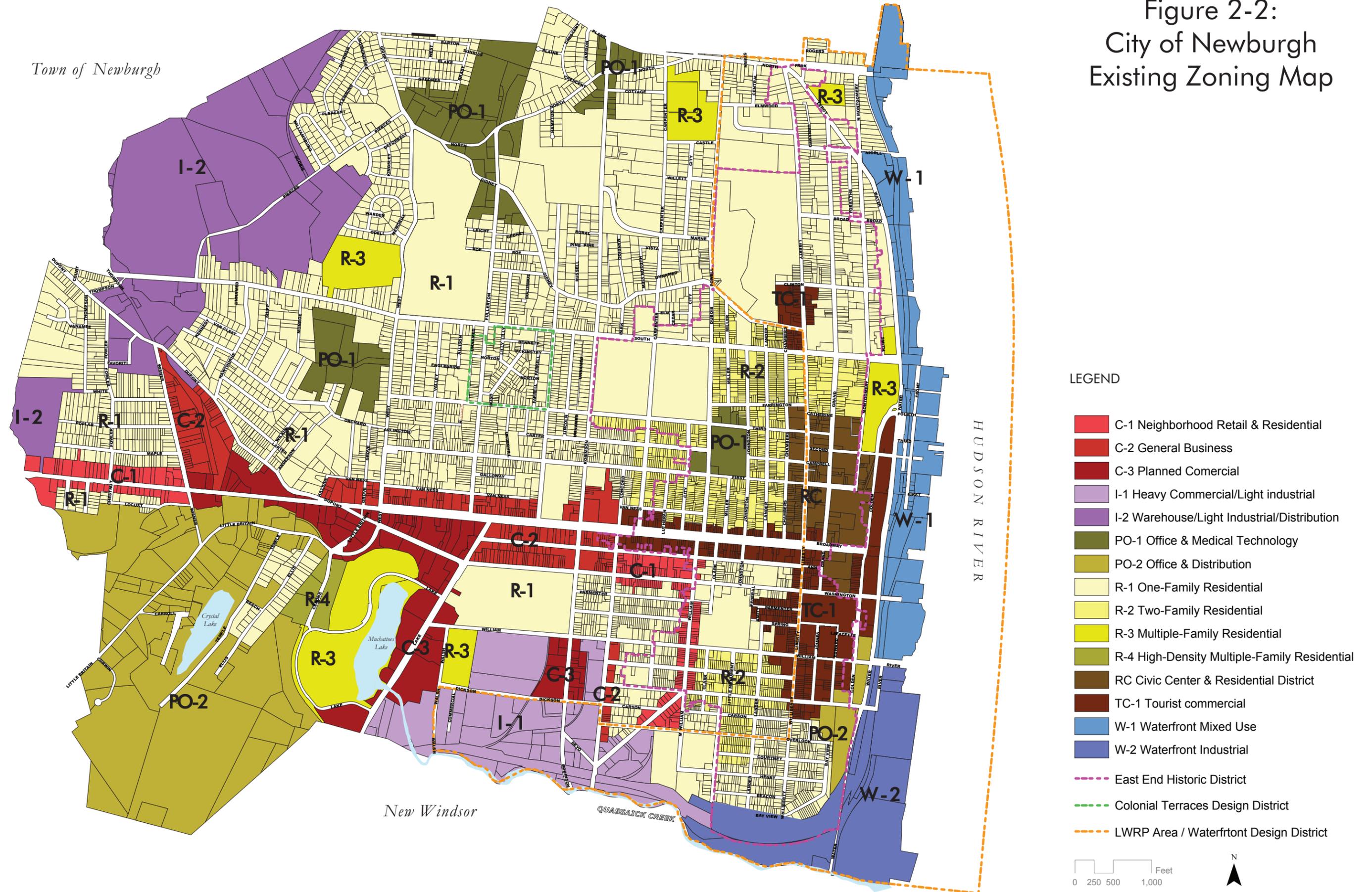
Parks, Open Space and Recreation areas combined comprise approximately 11.8% of the City's land area. Most of the open space in Newburgh can be found along the Quassaick Creek and around Snake Hill, where steep slopes present challenges to development. Park and recreational uses include the City of Newburgh Recreation Center and Downing Park.

Residential (37%) and institutional (16%) are the two largest land use categories. Commercial and institutional uses only account for approximately 9% each. A better balance of land use types is needed to provide a greater diversity of employment opportunities to City residents and to provide additional sources of tax revenue to the City. The Master Plan supports a number of strategies and policies to attract new businesses and investment opportunities. It also supports increased accessibility to jobs and transit options.

## **2.4 Existing Zoning**

Newburgh currently has 15 zoning classifications: four residential districts, a civic center district, four commercial districts, two industrial districts, two office districts and two waterfront districts (see Figure 2-2). Table 2-3 presents a list of permitted uses in each of the 15 zoning districts. In addition, the City also has two historic districts: the East End Historic District and the Colonial Terraces Design District. The Architectural Review Commission (ARC) is the City's appointed board for reviewing and approving exterior changes to buildings within Newburgh's historic preservation and architectural review districts. Exterior changes reviewed by ARC include new construction, exterior alteration, in-kind repairs or restorations, signs, and demolition.

Figure 2-2:  
City of Newburgh  
Existing Zoning Map



LEGEND

- C-1 Neighborhood Retail & Residential
- C-2 General Business
- C-3 Planned Commercial
- I-1 Heavy Commercial/Light industrial
- I-2 Warehouse/Light Industrial/Distribution
- PO-1 Office & Medical Technology
- PO-2 Office & Distribution
- R-1 One-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- R-4 High-Density Multiple-Family Residential
- RC Civic Center & Residential District
- TC-1 Tourist commercial
- W-1 Waterfront Mixed Use
- W-2 Waterfront Industrial
- East End Historic District
- Colonial Terraces Design District
- LWRP Area / Waterfront Design District



**Table 2-3: Zoning District Permitted Uses**

<b>Permitted Uses</b>	<b>Special Permit Uses</b>
<b>R-1 One-Family Residential District</b> One-family detached dwelling; one-family attached dwelling; church/place of worship/school; park/playground.	Home occupation and professional office accessory to one-family dwelling, private or parochial college/university.
<b>R-2 Two-Family Residential District</b> Permitted uses in R-1; two-family attached or detached dwelling; school of general instruction.	Home occupation and professional office accessory to one-family dwelling (SP),community parking area
<b>R-3 Multiple-Family Dwelling Residential District</b> Permitted uses in R-1/R-2; three-family dwelling; garden apartments.	Accessory uses in R-2; planned residential development; rest home/adult assisted living..
<b>R-4 High-Density Multiple-Family Dwelling Residential District</b> Special permit only.	Apartment House; senior assisted living facility; boarding home; retail use (ground floor only); personal service uses (ground floor only).
<b>RC Civic Center and Residential District</b> Permitted uses in R-1/R-2; rest home; professional office; governmental office; library; museum; art and antique gallery.	Accessory uses in R-2; day-care center; nursery school; bed-and-breakfast.
<b>C-1 Neighborhood Retail and Residential District</b> Permitted uses in R-1/R-2; professional and business office; personal service; hair/nail salon; neighborhood retail; mixed use (residential on upper floors only).	Accessory uses in R-2; day-care center; nursery school.
<b>C-2 General Business District</b> Church and similar place of worship; community parking area; professional and business office; personal service; hair/nail salon; retail; liquor store; bank; restaurant (including fast food); telephone exchange; printing establishment; funeral parlor; dry cleaning; laundromat.	Assembly hall; pool hall; bowling alley; amusement center.
<b>C-3 Planned Commercial District</b> Park/playground; community parking area; professional and business office; personal service; hair/nail salon; retail; liquor store; grocery store bank; restaurant (including fast food); retail sale of automotive and truck tires; dry cleaning; laundromat; technical and business school.	Shopping center; theater; gasoline station; funeral parlor.

**Table 2.3 (cont.): Zoning District Permitted Uses**

<b>Permitted Uses</b>	<b>Special Permit Uses</b>
<b>TC-1 Tourist Commercial District</b> Permitted uses in R-1/R-2; professional and business office; personal service; mixed use (residential on upper floors only); governmental office; tourist-related retail use; art and antique gallery; museum.	Assembly hall; craft shop; restaurant/bar; fast-food restaurant; laundromat; conference center; hotel; theater.
<b>I-1 Heavy Commercial/Light Industrial District</b> Light industry; machine shop/steel fabricating; distribution facility; wholesale business; storage building/warehouse; limousine service; veterinary, animal hospital, kennel; laundry services; contractor storage yard (except concrete mixing); retail sales of contractor equipment; freight (truck yard or terminal); fuel yard; plumbing or sheet metal shop; small boat building including storage and sales; stone monument works; adult uses.	Gasoline and automotive repair station; automotive repair, painting, rebuilding or reconditioning; tire retreading or recapping; Automotive sales area or establishment; taxi business, including dispatch office, repair and storage of taxis.
<b>I-2 Warehouse/Light Industrial/Distribution District</b> Light industry; machine shop/steel fabricating; distribution facility; wholesale business; storage building/warehouse; contractor storage yard (except concrete mixing); retail sales of contractor equipment; freight (truck yard or terminal)	None
<b>PO-1 Office and Medical Technology</b> Professional and business office; medical technology service	Hospital; day-care center accessory to professional office
<b>PO-2 Office and Distribution District</b> Permitted uses in PO-1; warehouse, distribution facility, bank	Restaurant
<b>W-1 Waterfront Mixed-Use District*</b> Yacht club/marina; boat dock, slip, pier and wharves; boat building, storage, repair, sales and services; boat and marine engine sales and display; boat rental; boating, fishing, diving and bathing equipment sales and rentals; sail loft/ship's chandlery; waterborne transportation terminals and passage ticket sales.	Retail uses, restaurant, art and antique gallery, professional and business offices, adaptive reuse of existing building for residential use. *W-1 district special permit uses vary depending on whether lots have Hudson River frontage. See zoning text for details.
<b>W-2 Waterfront Mixed-Use District</b> Boat building, storage, repair, sales and services; boat and marine engine sales and display; boat rental; boating, fishing, diving and bathing equipment sales and rentals; sail loft/ship's chandlery; parks, municipal services	Wholesale or retail trade of fish (no processing on site); water-dependent research, design and development laboratories; water-dependent industrial uses; passenger terminals.

## SECTION 3.0 OPPORTUNITY AREAS

### 3.1 Introduction

Based on the results of the inventory and analysis of the Existing Land Use Map, an Opportunity Area Map (see Figure 3-1) was created to identify potential development locations that support the goals and policies of the adopted Master Plan. These opportunity areas have been identified because they have unique attributes yet lack a sense of cohesion and identity. It is recommended that the City explore uses in these opportunity areas for new projects that will help revitalize the City, increase the City's tax base, and provide new employment opportunities for City residents.

The Opportunity Area Map was created with input from City Staff, the Land Use Committee, and the public. Preliminary findings were presented at the first public workshop and community feedback was incorporated into the final product. In addition, the identification of the opportunity areas considered the City's other major planning initiatives including the preparation of amendments to the City's Local Waterfront Revitalization Program (LWRP) revisions, a study of the City's Brownfield Opportunity Areas (BOA), and the proposed Newburgh Waterfront Redevelopment Project.

### 3.2 Description of Opportunity Areas

General recommendations for the key development opportunity areas identified in Figure 3-1 are described below.

#### ***3.2.1 Northwestern Industrial/Commercial Campus (Area A)***

The Northwestern Industrial/Commercial Campus opportunity area, shown as Area A on Map 3-1, is currently zoned I-2 (Warehouse/Light Industrial/Distribution District) and contains a mix of industrial uses and vacant parcels. There are currently three known brownfield sites in the area which require extensive remediation prior to any site redevelopment. These sites include the former DuPont-Stauffer site, which is now vacant, a Department of Public Works site at 88 Pierces Road, part of which was formerly a landfill for the City of Newburgh, and a third site at 7-13 Scobie Drive, owned by the Industrial Development Agency (IDA) which also contains evidence of an old landfill. A Phase I Environmental Site Assessment and a Phase II Site Investigation Report have been prepared for the 7-13 Scobie Drive property; these reports, prepared by HRP Associates in 2004, are on file and available for review at the City of Newburgh. These reports confirm that there will be significant remediation challenges involved in any future redevelopment of this site.

# Figure 3-1: Opportunity Area Map

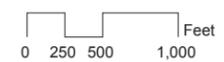


## OPPORTUNITY AREAS

- A - Northwestern Industrial/Commercial Campus
- B - West Med Tech
- C - Mill District
- D - Lake Street Mixed-Use Development
- E - Crystal Lake/Snake Hill Conservation Development Area
- F - Quassaick Creek Conservation/Open Space Area
- G - Upper Broadway
- H - Mid-Broadway Transit Node
- I - Lower Broadway High Density Mixed-Use District
- J - Waterfront
- K - Southern Commercial District
- L - Institutional Uses
- M - Armory

## LEGEND

- 5+ Family
- Conservation Area Development
- Mixed Use w/ Res
- Commercial
- Waterfront
- Industrial/Commercial/Recreational
- Institutional
- Park/Open Space
- Broadway Transit Corridor
- Greenway
- Waterfront Buffer/Walkway



The City seeks development opportunities for these sites which: (1) provide sustainable employment for City residents; (2) complement and support surrounding neighborhood uses and the City as a whole; (3) offer significant economic benefits to the City and the surrounding community; and (4) capitalize on accepted and appropriate green building design principles<sup>2</sup>. Encouraging industrial, commercial and manufacturing uses in this area will increase the City's capacity to capture a variety of jobs and attract new investment. By focusing industrial/commercial uses in a campus like setting in this location, which provides easy access to Interstate 84, companies will be able to capitalize on the synergistic environment and benefit from economies of scale.

### ***3.2.2 West Med Tech (Area B)***

The West Med Tech opportunity area underwent environmental remediation to allow for its future redevelopment. In 2004, the City obtained funding from the Economic Development Agency (EDA) of the United State Department of Commerce to construct infrastructure to support the redevelopment of the site. The 2004 agreement stipulated that future redevelopment activities within the site must create employment opportunities and that future uses in the area be limited to Medical Technology Office Park; the terms and conditions of the EDA agreement are to remain in effect for 20 years and will expire in 2024. However, since the remediation, the site has been unable to attract new medical/technology park users and has largely sat vacant with the exception of a newly constructed medical office building. As a result, the 2004 EDA agreement was amended in 2010 to allow "Business Park for Light Industrial or Medical Technology uses." Given the area's location within a single-family residential neighborhood, it is recommended that uses in this area be limited to medical office and technology and less noxious light manufacturing uses in the short-term. Following expiration of the EDA terms and conditions regulating the use of the property, it is recommended that for-profit supportive senior housing that is complementary to any existing on-site medical technology or light industrial uses be seriously considered.

### ***3.2.3 Mill District (Area C)***

The Mill District opportunity area includes the commercial and industrial areas that were historically dependant on the Quassaick and Gidney Town Creeks. The Mill District's historic building stock, its proximity to Broadway and public transit, as well as its location along the proposed Greenway Trail System (see 3.2.6 below), make it an ideal area for mixed residential and commercial uses. A mixed-use designation at this location will promote the co-location of mutually supportive uses where appropriate. Residential units would be permitted above retail stores and could also be mixed with office uses. To minimize traffic and parking impacts along Broadway, vehicular access and parking for this district will be primarily from Little Britain Road. Land use ordinances that support walkable, liveable, and fully integrated communities are supported by the Master Plan (pg. 61).

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<sup>2</sup> Newburgh Department of Planning and Development, RFP, 88 Pierce's Road, 8/08.

In addition, the Master Plan encourages the creation of new housing. Increased density and infill housing that is architecturally sensitive to the surrounding neighborhood is consistent with the Plan. To maintain this district's historic character and architectural aesthetic, it is recommended that policies promoting the re-use and redevelopment of existing deteriorated and vacant buildings be explored and that new construction respect the historic fabric of the area.

The "daylighting" of Quassaick and Gidney Town Creeks, which currently run under portions of the district, would provide an opportunity to improve stormwater management in the area and provide a new open space feature. Additionally, it is recommended that green design best practices such as bio filtering to both filter storm water runoff and serve as an aesthetic design amenity in the area be encouraged.

#### ***3.2.4 Lake Street Mixed-Use Development (Area D)***

The Lake Street Mixed-Use Development opportunity area, located along Lake Street, east of Muchattoes Lake, currently contains a shopping center that has a number of vacant storefronts and is in need of redevelopment. The nearby properties that surround Muchattoes Lake contain a combination of residential and office/retail uses. The area's proximity to open space, the lake and nearby commercial areas makes it a prime location for commercial and/or residential use.

The 19-acre Muchattoes Lake is a manmade lake that was created by damming a portion of Quassaick Creek for mill use (Dickson Mill) in 1912. Muchattoes Lake was once used for ice skating, but due to limited public access it is not currently used for recreational purposes. Future redevelopment in this area needs to be sensitive to the environment around the lake and recapture green space and make the lake accessible for public use. It is recommended that future development provide easement buffers around the lake in order to achieve these open space and environmental goals. This will facilitate an improved connection of the lake to the Greenway Trail System along the Quassaick Creek as well as to the Snake Hill Trail being developed by Scenic Hudson.

#### ***3.2.5 Crystal Lake/Snake Hill Conservation Development Area (Area E)***

The area around Crystal Lake and Snake Hill is characterized by its rugged natural beauty and pristine environment. Its steep slopes (exceeding 25%) make development in many areas unfeasible. "Open Space Development Design" or conservation development is one method to protect this environmentally sensitive area, while permitting residential development on the remaining land (Master Plan, pg. 66). The land surrounding Crystal Lake would be best utilized as a cluster development/conservation subdivision with a dense spatial arrangement occupying less land area yet leaving the rest of the land area protected. Within this opportunity area, lands with potential for development are: (1) the lands near the east side of Corwin Court; (2) the flat area south of the cemetery and east

of Crystal Lake; and (3) the 3.7 acre parcel north of Crystal Lake. In addition, it is recommended that this area be connected to the proposed greenway trail (see Figure 3-1 and Sections 3.2.6 and 4.2.8) and the Snake Hill Trail being developed by Scenic Hudson

### ***3.2.6 Quassaick Creek Conservation/Open Space Area (Area F)***

The steep slopes of the bluff that define the Heights neighborhood surrounding CSX's Newburgh Branch railroad are vacant; these areas including the vacant flats adjacent to Bay View Terrace constitute the Quassaick Creek Conservation/Open Space Area. These lands along the Quassaick Creek are to remain open space. The creation of a nature preserve and public hiking trail between the creek and the top of the bluff bounded by Bay View Terrace is recommended. This would preserve the forest habitats and creek shoreline now used heavily by birds and fish.

Fishing and wildlife viewing are water-dependent uses that currently take place in this area. Easements and rights-of-way are being pursued to create this trail which would become a part of a larger Hudson River Valley Greenway Trail System (HRGWT). This proposed greenway is illustrated on Figure 3-1. The greenway will connect to trails systems in the Town of New Windsor and to the Snake Hill Trail being developed by Scenic Hudson. These initiatives are consistent with the Master Plan and LWRP.

### ***3.2.7 Broadway Transit Corridor***

Upgrading the City's public transportation system is integral to the revitalization of the City (*Plan-it-Newburgh*, pg. 8). Creating a transit greenway is a significant opportunity to improve this corridor and was a major recommendation of the Waterfront Redevelopment Charrette conducted in January 2007. Broadway has a 133 foot wide building to building right-of-way with two lanes of traffic and angled parking on each side. At 89.5 feet curb-to-curb, the thoroughfare is one of the widest streets in New York State. Its width and capacity suggest it can support increased open space amenities as well as public transit options to connect the waterfront to Stewart International Airport via Broadway. Significant opportunities to improve the function of this corridor exist. Without any loss in traffic capacity, a redesigned Broadway Transit Corridor could include a lane for mass transit as well as a landscaped median. A 24 foot wide median could support a dedicated transit system, whether it be for bus or rail service. In residential areas the median could be planted to become a greenway. Switching from diagonal parking to parallel parking would also help open up the view of the Hudson River. It is recommended that a detailed feasibility study be undertaken to explore potential roadway improvements along this corridor including options for parking, pedestrian and bicycle amenities, surface drainage solutions, landscaping, lighting, and other opportunities for green infrastructure.

### ***3.2.8 Upper Broadway (Area G)***

This area features a mix of uses including single family residential and light commercial. Increased commercial use can be accommodated along this area of Broadway. The Master Plan identified areas for mid to high density infill development based on their proximity to the Broadway Corridor and their ability to bring vitality to the business district (pg. 62). Commercial uses in this area need to compliment and support the surrounding neighborhood mixed-uses along Broadway. The northern part of Broadway from Wisner to Dupont Avenues is included in the Residential Transitional Zone, detailed in section 4.2.12.

### ***3.2.9 Mid-Broadway Transit Node (Area H)***

The mid-Broadway location is a prime location for a key transit node along the city's main corridor. This area is a prime location for a mixed-use designation that includes residential, commercial, office and retail uses and is intended to encourage pedestrian activity and active city streetscapes. A public plaza is identified on the Opportunities Area map at the intersection of Lake Street and Broadway, two important transit corridors in this area. The intersection acts as a gateway to Mid- and Lower Broadway from Lake Street, the Town of New Windsor and other points south.

### ***3.2.10 Lower Broadway Higher Density Mixed-Use District (Area I)***

In this mixed-use area, a variety of open space and recreational, residential, commercial, office, cultural and institutional uses are currently permitted. There is a significant opportunity in this area to promote the re/development of a traditional urban/city neighborhood that has a mix of uses; is pedestrian oriented; and provides for a diverse public to live, learn, work and play. An increase in mixed-use development will promote an urban lifestyle typical of thriving urban areas where residences, related commercial and entertainment uses support one another. Further, by promoting mixed-use development and increasing residential density in this area, the City will re-establish a physical and walkable connection between the Broadway corridor and the waterfront.

### ***3.2.11 Waterfront (Area J)***

The Master Plan supports land uses that give preference to water dependent and water enhanced uses within the waterfront area, which is a major tenet of the City's Local Waterfront Revitalization Program (LWRP). The LWRP contains policies and recommendations which promote beneficial waterfront development in balance with the protection of its natural coastal resources in conformance with state coastal management policies. The LWRP strengthens the City's role in managing its water and waterfront resources while ensuring that City policy is consistent with these state coastal management policies. In addition, the Master Plan and LWRP recognize the importance of land uses in close proximity to the waterfront and their impact on the water. Both the Master Plan and the LWRP must be consistent with the state coastal management policies within the City's LWRP area.

Newburgh's Waterfront Advisory Committee (WAC) is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the policy standards and conditions of the LWRP.

The existing zoning districts in this area permit and encourage a range of water-dependent and water-enhanced uses along the Hudson River. While the city has had a strong industrial past with manufacturing along the waterfront, current market trends indicate a clear interest in allowing alternate waterfront uses, including residential and mixed-use development. There is also strong interest in providing public access to and use of Newburgh's waterfront. Significant opportunity for redevelopment exists in this area and should be pursued.

#### Land Uses

Several sites along Newburgh's waterfront are vacant, underutilized, deteriorating or abandoned. Vacant properties on and near the waterfront have been specifically targeted by the City as redevelopment areas in the Newburgh Waterfront Redevelopment Project. Planned redevelopment under the project includes the Consolidated Iron and Metal property at the foot of Washington Street, next to the Newburgh boat launch. This property, a former landfill and Superfund site, has been remediated pursuant to a United States Environmental Protection Agency 2008 Consent Decree [Civil Action No. 09 Civ. 7378 (SCR)]. As part of this Consent Decree a specific Site Management Plan (SMP) must be developed to regulate all future redevelopment activities on the site. This site is one of many development opportunities within the waterfront area.

#### Water Uses, Waterfront Open Space and Recreation

Future development in the waterfront area will provide an opportunity to improve open spaces, public waterfront access and amenities, which will all be linked by a continuous walkway along the riverfront. This proposed waterfront walkway is discussed in section 3.2.14. Other future proposed improvements and additions include an upgrade to Newburgh Landing Park, extension of the public walkway, creation of South Street Park and the development of additional public and private recreation areas and other amenities.

#### ***3.2.12 Southern Commercial Districts (Area K)***

Scattered vacant sites and underutilized commercial and industrial buildings are found in the vicinity of South Robinson Avenue, Mill Street and Commercial Place. This area includes the vacant Provan Ford site, formerly a truck-repair facility and now a DEC-listed brownfield. The City's acquisition of the Armory combined with nearby brownfield sites presents a development opportunity for uses that complement the surrounding neighborhood. Redeveloping these areas will help provide commercial services to their respective neighborhoods as well as to a larger nearby clientele.

### ***3.2.13 Institutional Uses (Area L)***

The Opportunity Area Map indicates areas where institutional uses are likely to expand. The City sees two potential civic center areas along Broadway. The first, bounded by Carpenter Avenue, Robinson Avenue, Broadway and First Street contains the city's courthouse. Located at the center of the city, it is an ideal place for institutional fire/police and safety uses. The second area, generally bound by Montgomery Street, Third Street, Liberty Street and Broadway is adjacent to the newly expanded Orange County Community College (OCCC). In light of this recent development, this civic area will support education driven or related uses. Facilitating this growth of civic uses will serve to connect Lower Broadway to the waterfront.

### ***3.2.14 Newburgh Armory (Area M)***

The Newburgh Armory site is an approximately 12-acre site located just south of and across South William Street from the City's Delano-Hitch Recreational Park. The Armory Site is comprised of the 60,000 square foot Armory building and approximately 7 acres of vacant land. The Armory building currently contains a basketball court and other space that has yet to be fully programmed. The City currently owns the property, which they acquired from the State of New York for \$1 after troops based at the site moved out in 2009. In July 2011, the City entered into a 25-year management agreement with Newburgh Armory Unity Center, Inc., a not-for-profit corporation, charged with rehabilitating and managing the Armory facility for the community. Newburgh Armory Unity Center, Inc.'s mission and purpose, as specified in the agreement, is to benefit the citizens of the City, and the surrounding communities, by providing recreational opportunities to disadvantaged youth, and organizing, hosting or promoting community events in the City. Ancillary uses and incidental programs to those primary recreational and special event uses are also deemed appropriate for the facility. Significant opportunities for redevelopment activities that benefit the community exist at the Armory site. Further, future activities at the Armory site should be coordinated with and complementary of existing recreational activities and uses at the adjacent Delano-Hitch Recreational Park and vice versa.

### ***3.2.15 Greenway and Waterfront Walkway***

The Greenway and Waterfront Walkway shown on the Opportunity Areas Map represents an opportunity to create an interconnected system of open space on the riverfront to recreational sites throughout the City and region through the use of paths, sidewalks and trails. The Master Plan expressly supports this goal, along with improving the "quality of life for all City residents by maintaining an equitable distribution of parks and open spaces, and interconnectedness of same (pg. 74)".

The thin green line represents a Greenway trail network, which will connect Newburgh with the Town of New Windsor to the south and the Town of Newburgh to the north as part of the larger Hudson River Valley Greenway Trail System (HRGWT). The Greenway

will also connect the Snake Hill Trail being developed by Scenic Hudson. To protect and enhance sensitive watershed areas, the City shall explore the feasibility of public easements for trail connections around Muchattoes Lake as well as along Quassaick Creek and Gidneytown Creek. Partnering with agencies such as the Hudson River Valley Greenway, Orange County Land Trust and Scenic Hudson will help to advance park linkages and trail connectivity (Master Plan, pg. 75).

The thicker green hashed line located along the waterfront represents the proposed public walkway along the Hudson riverfront. The waterfront walkway would also connect to the Greenway to the north and south. The continuous waterfront walkway needs to include shared-use paths (including paved walkways and boardwalks) for walking, bicycling, jogging, wheelchair use, and other non-motorized uses, to the extent they can be implemented in a safe and environmentally sound manner. These actions are consistent with the Master Plan's goal of providing ample active recreational opportunities through trail connections, increased pedestrian amenities and bike paths aimed to promote healthier lifestyles (pg. 37).

## SECTION 4.0 FUTURE LAND USE MAP

### 4.1 Introduction

The Future Land Use Map (see Figure 4-1) provides a roadmap for undertaking future land use and zoning actions in the City of Newburgh. The plan illustrates the location of future uses and gives a general indication of the preferred intensity of land use. It should be noted that the Future Land Use Map is not meant to be specific to every parcel. It shows general land use patterns for different geographic areas. For example, an area designated as residential may have specific lots that have retail stores or service establishments. While the existing land use map may identify these specific uses, the Future Land Use Map only shows the overall land use for the neighborhood. For example, for residential uses, the Future Land Use Map specifies two density classifications: 1-4 family and 5+ family. These classifications provide a conceptual understanding of desired residential densities across the City. In contrast, the City's Zoning Code is much more specific with regard to residential designations. The current Zoning Code includes four residential zoning districts that are differentiated from one another by bulk controls.

### 4.2 Description of Future Land Uses

The following presents a detailed description of each of the proposed future land uses. The descriptions are meant to accompany the Future Land Use Map and explain any changes between the Future and Existing Land Use Map.

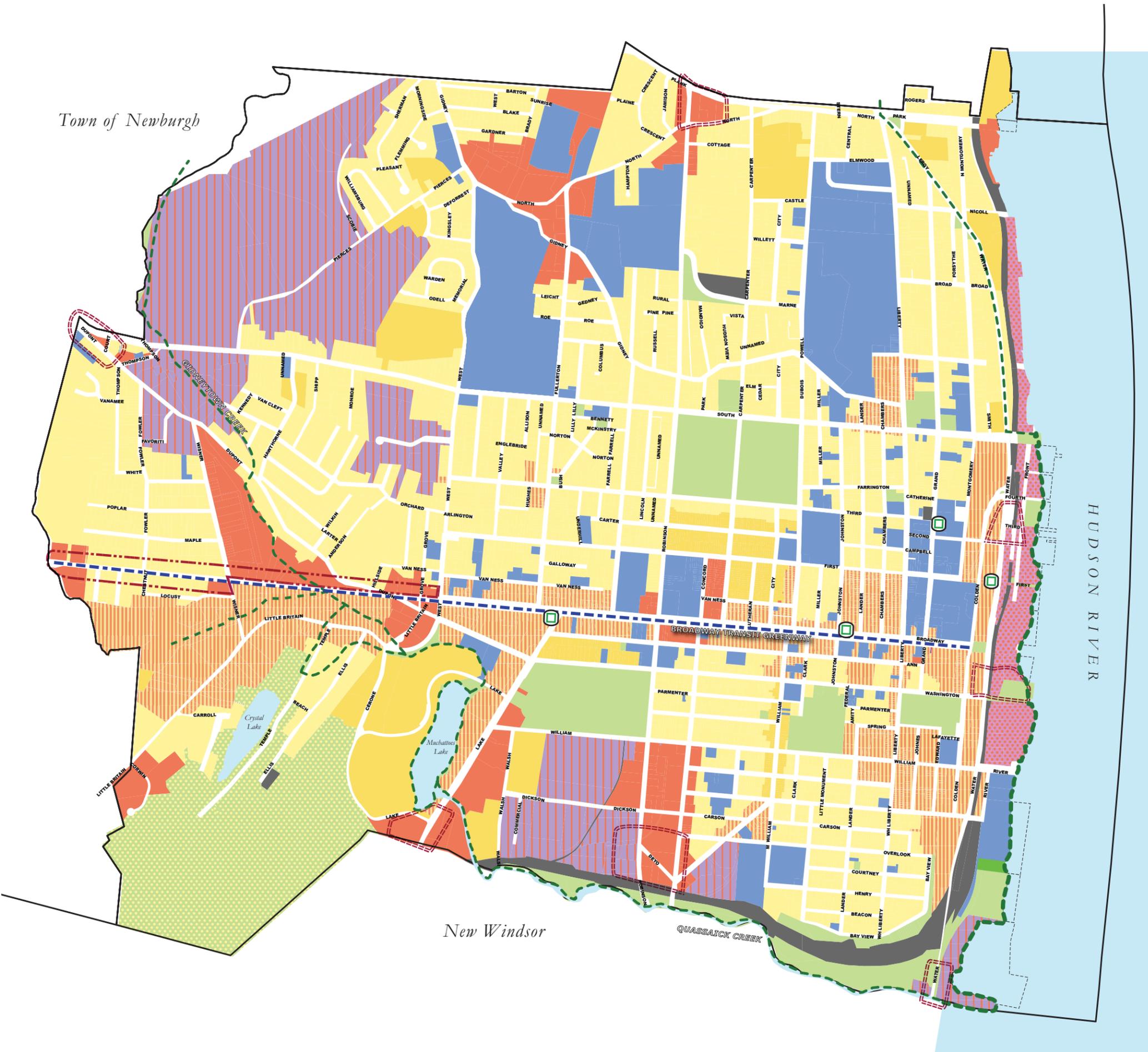
#### ***4.2.1 Residential Areas***

The Future Land Use Map shows housing, the primary land use in Newburgh, in two shades of yellow. High-density residential with five or more units is shown as orange, while 1-4 family residential is shown as light yellow.

#### **1-4 Family**

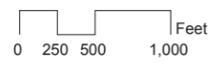
Because much of the City is currently built-out with 1-4 family residential uses, the Future Land Use Plan does not propose to change the existing 1-4 family character of these portions of the City. However, the Future Land Use Map does propose a new area of 1-4 family residential use on an industrial parcel currently zoned I-2 located at the west end of Maple and Poplar Streets north of Broadway. This area has been changed to 1-4 family use as this lower intensity use is more compatible with the character of the surrounding single family neighborhood.

Figure 4-1:  
Future Land Use Map



LEGEND

- 1-4 Family
- 5+ Family
- Mixed Use w/ Res
- Commercial
- Industrial/Commercial/Recreational
- Institutional
- Conservation Area Development
- Planned Waterfront Development
- Park/Open Space
- Utility
- Broadway Transit Corridor
- Greenway
- Waterfront Buffer/Walkway
- Public Plaza
- Gateway District
- Residential Transitional Zone



## **5+ Family**

The Future Land Use Map proposes to increase residential densities in a number of areas which are shown on Map 4-1. These areas include: 1) the area generally bounded by First Street and Van Ness Street, Robinson Avenue, DuBois Street, and the northern portion of Carter Street; and 2) the properties located along both sides of William Street between Ann and Renwick Street. Increased residential densities in these areas will be supported by new mixed-use development that is proposed along Broadway. Additionally, higher density residential along the William Street Corridor will support commercial activity both along Broadway to the north as well as the mixed-use and Southern Commercial District areas to the south. In order to achieve the proposed higher densities along this corridor, multiple parcels would likely need to be assembled and existing buildings would need to be demolished. This Plan recognizes that given the existing make-up of the building stock in this area (i.e. older 2 to 3-story buildings with groundfloor commercial spaces), it is recommended that groundfloor commercial uses continue to be permitted by special permit in the case of adaptive reuse of existing buildings.

### ***4.2.2 Mixed-Use with Residential***

Mixed-use encompasses a variety of uses, including residential, commercial, office and retail, as well as open space. Beyond those areas discussed in section 4.2.1, most new residential development within the City of Newburgh is expected to occur in mixed-use areas where retail, commercial, restaurant and entertainment uses are located in close proximity to housing. The following presents a description of areas on the Future Land Use Map targeted for new mixed-use development.

The Lower Broadway area has been designated as an area for future mixed-use growth; this area has excellent accessibility to Broadway, Orange County Community College (OCCC) and the waterfront. Lower Broadway is also a destination point for shopping, employment, government activity and health and human resources services. This area needs new underlying development controls that spur vitality and potential waterfront development. Commercial development will ease the tax burden on residential property owners. This City center will contain residential and commercial uses, government offices, services uses, professional uses, cultural and entertainment establishments, restaurants, hotels and appropriate transportation facilities.

In addition, the Mill District's historic building stock, its proximity to Broadway and transit, as well as its location along the Greenway Trail System, make it an ideal area for both residential and commercial use. To maintain the neighborhood's historic character and architectural aesthetic, policies need to promote the re-use and redevelopment of existing deteriorated and vacant buildings. Therefore, the mixed-use land use of this area will not have a significant impact on the neighborhood as it is largely preservation oriented.

Along the east side of Muchattoes Lake, the existing shopping center has a number of vacant storefronts and is in need of redevelopment. It is recommended that any future mixed use development in this area be clustered in order to create open space and provide access to the lake and the surrounding nature trails. This is consistent with the Master Plan's goal of protecting critical areas such as wetlands and riparian functions by limiting development activity in hydrologically sensitive areas (pg. 74).

There are smaller mixed-use pockets in the 1-4 family neighborhoods, intended to provide retail amenities and encourage walkability in each neighborhood. Three mixed use pockets can be found at and around the intersections of: (1) Third Street and Fullerton Avenue; (2) South and Chambers Streets; and (3) Carson Avenue and Bridge Street.

#### ***4.2.3 Commercial***

A significant portion of the existing commercial properties are identified as mixed-use on the Future Land Use Map. Three locations where commercial areas have been specifically designated include the Upper Broadway Area, the Southern Commercial Districts and the existing commercial office uses located in the northern portion of the City generally bounded by Gidney Avenue, North Street, and North Robinson Avenue. Growth targeted to these areas will take pressure off the City's residential neighborhoods, while growing the City's tax base. It also provides for an appropriate concentration of commercial uses close to major roadways, rather than scattered throughout the City's neighborhoods. By locating these commercial areas near the City boundaries, they can serve their respective neighborhoods as well as a larger clientele in nearby towns.

#### ***4.2.4 Industrial/Commercial/Recreational***

The Future Land Use Map does not distinguish between light industrial/commercial uses and heavy industrial/commercial uses. The Future Land Use Map identifies six areas for industrial/commercial/recreational use: 1) Northwestern Industrial/Commercial Campus; 2) the area bounded by Walsh and South Robinson Avenues and Dickson Street; 3) area east of Bridge Street and south of Overlook Place; 4) the southernmost portion of the waterfront; 5) the Newburgh Armory; and 6) West Med Tech. These areas all currently consist, or have historically consisted, of some combination of industrial and/or commercial uses and vacant parcels. The specific intensity of use in each area will be determined as part of future zoning actions to allow for flexibility in future redevelopment.

The market, as well as environmental conditions, will dictate the specific combination of commercial, industrial and related accessory uses, and intensity thereof, in these areas. Recreational use should be allowed in those areas, such as the Newburgh Armory, where it is deemed appropriate by the City. It is important to note that future uses within the Newburgh Armory complex are limited by an agreement with the Newburgh Armory Unity Center to recreational, educational and community related uses. Future uses within the West Med Tech site are limited by the terms and conditions of the EDA agreement and

can only consist of “Business Park for Light Industrial or Medical Technology” (See Section 3.2.2). The terms and conditions of the EDA agreement will expire in 2024, at which time additional appropriate and compatible uses, including for-profit supportive senior housing, could be permitted.

Many of the City’s smaller existing industrial properties are indicated as mixed-use, rather than industrial/commercial, on the Future land Use Map. While many of these properties may currently be used for industrial purposes they are not located in areas that are currently zoned, or appropriate for, industrial use. The Future Land Use Map seeks to bring these properties in line with other existing uses in the area in the future.

#### ***4.2.5 Institutional***

The Future Land Use Map does not present any significant changes to institutional use in the City. As the City’s schools grow, including Mount Saint Mary’s College and Orange County Community College, land occupied by institutional uses is likely to expand. While the construction of new schools, the potential shuttering of older schools and the consolidation of municipal uses may impact the location of the City’s institutions in the future, such changes are currently speculative and thus not shown on the Future Land Use Plan. However, should these changes come to fruition; such areas will likely be converted from institutional to residential or mixed-use dependent on market demand. The only locations where institutional land uses have been modified on the Future Land Use Plan include: the police station on Broadway between Colden Street and Grand Street; a parking lot north of Broadway between Chambers and Lander Streets; and the boat loading dock on the waterfront. These sites are shown as mixed-use to reflect the City’s desire to return these properties to the tax rolls.

#### ***4.2.6 Conservation Area Development***

The Future Land Use Plan identifies the Crystal Lake/Snake Hill area as a Conservation Area Development. The Crystal Lake/Snake Hill Area’s natural resources can be protected while still allowing productive use of the property by strategically clustering residential development in a denser spatial arrangement that avoids the site’s natural and environmentally sensitive resources.

#### ***4.2.7 Planned Waterfront Development***

The Future Land Use Plan identifies the majority of waterfront lands east of Water Street and the CSX railroad right-of-way as Planned Waterfront Development. Development in this area would include a mix of water-dependant and water-enhanced uses, including open space. All future uses in this area must be consistent with the City’s LWRP.

#### ***4.2.8 Parks and Open Space***

Existing and proposed future parks/open space areas are indicated on the Future Land Use Map in green. These areas include all existing city and state parks, recreation areas

and passive open spaces as well as new proposed greenways and preservation areas, consistent with the policy recommendations of the Master Plan. The Master Plan (pgs. 74-75) also includes additional strategies for preserving existing and acquiring new open space. Future parks/open space in the City's waterfront area include the creation of South Street Park, improvements to Newburgh Landing Park, and public open space/park as part of the Consolidated Iron and Metal site development. Additional recommendations for the Greenway and the waterfront walkway are discussed in Section 3.2.14.

Parks and open space are a permitted use and encouraged in all zoning districts and do not require a distinct zoning designation. By identifying a specific parcel or parcels of land as park and/or open space on the Future Land Use Map, the City of Newburgh is designating the future use of such parcel(s) as parks and open space. Any other use of such lands would be deemed inconsistent with the Master Plan.

#### ***4.2.9 Utility***

This designation (dark grey) represents larger parcels that contain utilities such as the CSX right-of-way and the two City-owned water towers; one of which is located on Ellis Street and the other located on Marne Avenue. The existing land uses on these parcels are not expected to change.

#### ***4.2.10 Broadway Transit Corridor***

The dark blue hashed line illustrated down the length of Broadway from the City's boundary with the Town of Newburgh to the waterfront identifies the location of the Broadway Transit Corridor. This area is intended for public transit uses and public open space.

#### ***4.2.11 Public Plazas***

The Master Plan recognizes that the City would benefit greatly from an increase in public plazas, which provide leisure, aesthetic value and opportunities for social interaction. The potential to integrate plazas into the urban fabric exists both in private and public projects (pg. 66). In addition to slowing traffic, public squares would make the surrounding land more valuable for development. Reduced parking requirements or density bonuses listed in the Master Plan, are incentives that can be offered to create these spaces for private developers (pg. 66). The City shall also explore opportunities for acquisitions as well as the possibility of creating plazas on municipally owned lots along the Broadway corridor. The Master Plan also states that public plazas should be explored along existing roadways (pg. 98). Specifically, three public plazas have been identified and are recommended on the Future Land Use Map; these proposed plazas/squares are described below.

The plaza identified on the southwest corner of Lake Street and Broadway helps support the Mid-Broadway Transit Node. A plaza at this location with a transit station would become the focus of the surrounding mixed-use area. An additional public plaza in the

Lower Broadway Mixed-Use district would also help to slow traffic along Broadway. The location identified on the map is between Johnston Street and Lander Street on Broadway, where there are several existing City-owned vacant parcels.

Clinton Square at Water Street and Fourth Street is recommended for consideration as a public plaza. Before urban renewal, Clinton Square was one of the City's vibrant centers. In addition to Clinton Square, the area around Water Street and First Street offers an opportunity for a civic square that could tie together the surrounding institutional uses.

#### ***4.2.12 Gateway Districts***

The Future Land Use Plan identifies significant gateways into the City and to certain destinations within the City (i.e. the waterfront). These gateways have been identified as areas that can enhance Newburgh's "front doors" by not only constructing improvements in the areas seen by the most people, but by doing so in a way that provides a unique identity and sense of place for each location and the edges of the City. Enhancing these gateways will provide a framework to orient visitors through wayfinding signage, link Lower Broadway to the waterfront and adjacent neighborhoods, increase greenspace/landscaping, and establish a strong sense of uniqueness and vitality. The stretch of Broadway from the western City boundary to Dupont Avenue has been identified as an especially important transitional entry into the city as it leads directly into the Upper Broadway area and the Broadway Transit Corridor.

#### **Residential Transitional Zone**

The portion of Broadway from the western City boundary to West Street has been identified as an important transitional entry into the City. As Broadway enters the City at this location it narrows from a four-lane roadway (two lanes in each direction) to a two lane roadway (one lane in each direction) until West Street where Broadway once again widens to four lanes with diagonal parking on each side. This area is identified as a "Transitional Zone" because specific future uses within this area are uncertain at this time given the current restrictions on redevelopment imposed by the two-lane nature of Broadway at this location.

This area has the potential to become an improved gateway to the City through street design improvements proposed for the Broadway Transit Corridor (see Section 3.2.7). It is recommended that the City seek potential acquisitions which would enable a street widening along this narrow stretch. Future planning for this transitional area will require a detailed feasibility, planning, design and roadway improvement study.

## SECTION 5.0 ZONING RECOMMENDATIONS

### 5.1 Introduction

Based on the recommended land uses described in Section 4.0, this section provides a list of zoning recommendations that the City pursue as it moves forward with implementation of the overall Master Plan. Upon adoption of this Master Plan addendum, the City Council would be empowered to undertake specific zoning amendments to the City's Zoning Code in support of the land uses described in this Future Land Use Plan. Amendments to the Zoning Code would include site specific changes to the City's Official Zoning Map and corresponding text changes to the Zoning Code. The courts of the State of New York have consistently upheld the principle that "zoning should be based on a well reasoned plan;" the Master Plan and this Master Plan addendum are this plan. Any future zoning amendments undertaken in support of this Plan are subject to the requirements of and compliance with the State Environmental Quality Review Act [6 NYCRR Part 617 (SEQR)].

Newburgh's Zoning Code is organized in a similar manner to many of the older codes found elsewhere in New York State. The City's Zoning Code follows the Euclidean format, which designates permitted uses of land based on mapped zoning districts which separate one set of land uses from another. A comprehensive update of the code would entail two general types of revisions:

(1) Map Changes and Critical Issues

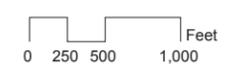
A series of zoning map and text amendments are needed to implement the land use proposals outlined in the Future Land Use Map. Figure 5-1 illustrates the general location of the required zoning map changes and proposed zoning text amendments are described in detail below. Depending on available funding for undertaking amendments to the Zoning Code and Zoning Map, the proposed zoning amendments could be undertaken in a series of steps or as one comprehensive set of text and map changes. In addition, if the City opts to move forward with the zoning text amendments on a sequential or piecemeal basis, critical text changes must be identified and prioritized. One such change is the necessity to add "building coverage" standards and Floor Area Ratios (FAR), where appropriate, to the existing schedules of area and bulk controls. When combined with a height control, building coverage and FAR control density on any given site.

Figure 5-1:  
Proposed Zoning  
Changes



**LEGEND**

- R-1
- R-2
- R-3
- MU-1
- MU-2
- MU-3
- C-1
- C-2
- C-3
- PWD (Planned Waterfront Development)
- CR (Conservation Residential District)
- PO (Planned Office District)
- Gateway District
- West Med Tech Overlay District



## (2) Organizational and Administrative Changes

Following amendments to address zoning map and critical zoning text issues, a second step in revising the Zoning Code involves undertaking a comprehensive review and update of the administrative and enforcement aspects of the Zoning Code. There are important clarifications which need to be addressed with regard to code definitions and the land use review process. A comprehensive update would address the following items:

- i. Description of the City's boards, committees and commissions including an explanation of their purpose and function and the interrelationship between each of the identified bodies;
- ii. Assessment of the City's land use review process to expedite approvals and/or denials;
- iii. Definition of uses: a more general grouping of permitted uses should be provided. For example, nail salons are listed individually in the code, but for ease of use of the Code they could be included in the more generic "personal services" category;
- iv. Descriptions of all land uses in the zoning text should be provided; and
- v. Uniformity of minimum lot sizes within each district should be explored.
- vi. Creation of more realistic parking standards.
- vii. Inclusion and regulation of new, sometimes controversial, uses, such as live/work lofts, telecommunications facilities, tattoo studios, billiard halls and video game rooms.

## **5.2 Detailed Description of Proposed Zoning Recommendations**

The following presents a discussion of recommended zoning changes needed in order to implement the future land uses described in Section 4.0 above, as well as support redevelopment activities in the opportunity areas identified in Section 3.0 above. This section is not intended to serve as the proposed zoning text and map amendments and does not purport to include all zoning changes that may be needed during a comprehensive update to the City's Zoning Code.

It should be noted that these recommendations are general proposals that provide guidance for changes to the Zoning Code. Opportunities will arise when the City could and should consider exceeding the maximum dimensional standards that are recommended in some of the Opportunity Areas shown on Figure 3-1, especially when density and floor area bonuses may be needed to jump start private investment during economic downturns or when developers provide public benefits that the City wants to

encourage, such as public open space and easements, affordable housing opportunities, museums, theatres, and community spaces, green buildings, and/or removal of environmental contamination on specific sites. In addition, when existing grandfathered buildings are proposed to be rehabilitated and retrofitted into more productive uses, recommended zoning dimensional standards may also need to be exceeded and zoning requirements relaxed.

### ***5.2.1 Residential Districts (R-1, R-2, R-3)***

Within the City's residential districts, most of the land currently zoned R-1 would remain unchanged. However, several areas within the City that currently have a commercial or industrial zoning designation are proposed to be remapped to be included within a residential zoning district. The Residential Transition Zone which includes parcels along Broadway from McDowell Place to Wisner Avenue (Area 15) is proposed to be rezoned from C-1 to R-1. Additionally, the 14-acre industrial parcel (Area 16) located just north of the Residential Transition Area is proposed to be rezoned from 1-2 to R-1. Once rezoned, the 14-acre parcel could be subdivided and accommodate approximately 65 single-family homes on lots that are a minimum of 7,500 square feet each.

Areas 11 and 12, as shown on Figure 5-1, are currently zoned commercial (C-2 and C-1, respectively) yet have existing land uses which are predominantly residential. Higher density residential uses are proposed at these two locations (R-3) as both of these areas are within walking distance from transit and existing clusters of commercial use. Finally, a number of parcels which contain existing higher density residential uses, but have conflicting zoning designations, should be rezoned to recognize their existing land uses. These parcels are identified as Areas 19a through 19h in Figure 5-1.

### ***5.2.2 Mixed Use Districts (MU-1, MU-2, MU-3)***

One significant change contemplated in this Plan is a shift away from single-use zoning in the Downtown and along commercial corridors. Currently, land uses in these areas are predominantly commercial, but as redevelopment occurs, the City would like to promote a mix of residential and commercial uses, including entertainment uses. In order to achieve this goal, the City will need to create new mixed-use districts to accommodate commercial and residential uses in these areas that are complementary and supportive of one another. Three new mixed-use zoning districts of varying density are proposed: MU-1, MU-2, and MU-3. Table 5-1 presents proposed permitted uses and preliminary development standards, including Floor Area Ratios (FAR), where applicable, for each of the proposed new mixed-use districts.

The MU-1 Medium Density Mixed-Use District is proposed for the Mill District (see Area 1), Lake Street area (see Area 2), and portions of the Broadway Transit Corridor (see Area 3a/3b). The proposed MU-1 District would replace areas currently zoned TC-1 south and north of Broadway (see Areas 4 and 5). Permitted uses in the MU-1 District would be

somewhat comparable to those currently permitted within the TC-1 District, which permits mixed-use residential along with retail and office uses. MU-1 would allow for a slight increase in density compared to the TC-1 District, as it permits building heights of 4 stories or 45 feet, compared with 3 stories and 45 feet allowable in TC-1.

The MU-2 and MU-3 districts would allow for a more significant change in intensity of use. These two districts would help spur transit-oriented development along Broadway (see Areas 6 and 7) and would enable significant development around Lower Broadway near the waterfront (see Area 8).

**Table 5-1: Proposed Mixed-Use Districts**

MU-1: Medium Density Mixed-Use District	
Residential Uses:	Townhouse; rowhouse; live/work; small multi-family; loft buildings
Commercial Uses:	Professional and business office; governmental office; personal service; retail use; art and antique gallery; museum; theater, restaurant
Maximum Building Height:	4 stories or 45 feet
Residential Density:	20-25 residential units per acre.
Building Coverage:	30-40%
FAR:	1.2 – 1.4
MU-2: High Density Mixed-Use District	
Residential Uses:	Residential uses in MU-1
Commercial Uses:	Commercial uses in MU-1
Maximum Building Height:	6 stories or 65 feet
Residential Density:	40-50 residential units per acre
Building Coverage:	40-50%
FAR:	2.4 – 2.6
MU-3: Lower Broadway Mixed-Use District	
Residential Uses:	Residential uses in MU-1 & MU-2
Commercial Uses:	Commercial uses in MU-1 & MU-2; assembly hall; conference center; hotel
Maximum Building Height:	8 stories or 85 feet
Residential Density:	75-90 residential units per acre.
Building Coverage:	50-60%
FAR:	4

Table 5-2 below shows how the MU-1, MU-2 and MU-3 districts compare to the existing districts where high-density mixed-use zoning changes are proposed. The Lower Broadway area is currently served by public water and public sewer. In order to create reserve capacity for future growth, a new sewer interceptor line needs to be built.

**Table 5-2: Current Zoning and Proposed Mixed Use Zoning**

	Current Zoning							Proposed Mixed-Use Zoning		
	R-2	R-3	RC	TC-1	C-2	C-3	PO-2	MU-1	MU-2	MU-3
<b>Residential Density (units per acre)</b>	8.5-17*	8.5-26*	8.5-17*	8.5-26*	0	0	0	20-25	40-50	75-90
<b>Recommended Max. Building Height (stories)</b>	2.5	2.5	2.5	2.5-3*	3.5	3.5	2.5	4	6	8
<b>Recommended Max. Building Height (feet)</b>	35	35	35	35-45*	40	40	35-40*	45	65	85
<b>FAR</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.2-1.4	2.4 - 2.6	4

\* Depending on use

Density within each of the proposed new MU districts would be controlled by building coverage, height and the need to accommodate parking.

**5.2.3 Commercial Districts (C-1, C-2, C-3)**

Several parcels around the intersection of Fullerton Avenue and Third Street (see Area 14) should be rezoned to C-1 to allow for neighborhood retail; these parcels are currently zoned R-1. The C-1 zoning district permits residential uses in R-1 and R-2 as well as residential above ground floor commercial. The Southern Commercial District (see Area 17) should be rezoned from industrial to commercial. Rezoning the parcels along South Robinson Avenue from I-2 to C-3 would help create a commercial corridor less dominated by automobile related uses and would provide new opportunities for a diversity of commercial and retail uses in this area. In addition, there are a number of commercial parcels which should be rezoned to recognize existing commercial land uses. These parcels are identified as areas 19i and 19j in Figure 5-1.

**5.2.4 Planned Waterfront Development (PWD)**

Revitalizing the waterfront (see Area 18) is consistent with Newburgh’s overall objective of establishing the City as a regional destination along the Hudson River. Given the number of vacant and underutilized parcels located within the waterfront area, a significant amount of redevelopment could occur. It is recommended that the existing W-1 District be eliminated and a new Planned Waterfront Development (PWD) District be created. This new PWD District would allow for both water-dependant and water-enhanced uses containing a mix of housing, commercial, cultural, entertainment, and open space and recreational uses.

It is recommended that building heights within the new PWD District be increased to 6 stories (65 feet) with an FAR of 2.4 – 2.6, similar to the proposed MU-2 District. This will allow for increased densities along the waterfront, while also preserving the view corridors

along Broadway, Montgomery Street and Grand Street and the adjacent upland neighborhoods.

#### ***5.2.5 Conservation Residential District (CR)***

The Snake Hill Conservation Development Area (see Area 10) has been designated as an area suitable for a conservation development/subdivision. The City currently owns approximately 70-acres within this area and has the authority to mandate that any future development in this area conform to the standards of a new conservation residential development district. This site should be rezoned from PO-2 to CR (Conservation Residential), a new residential district. It is recommended that the new Conservation Residential District have a 15,000 square foot minimum lot size or alternatively be developed using a planned unit development mechanism.

#### ***5.2.6 Planned Office District (PO)***

It is recommended that the PO-1 and PO-2 districts be combined to form a new PO (Planned Office) district (see Areas 9a and 9b). All parcels currently located within the Planned Office Districts (PO-1 and PO-2) should be remapped to this new PO district. The new PO District will allow many of the uses currently permitted within both the PO-1 and PO-2 districts; certain uses currently permitted within the PO-2 District would be eliminated and other uses would be allowed by special permit. These changes would permit professional and business office, medical technology service, and banks. Hospitals, day-care centers, and restaurants would be permitted by special permit. Warehouses and distribution facilities would no longer be permitted uses within the PO District and for-profit supportive senior housing that is deemed compatible with and complementary to existing on-site uses would be permitted by special permit.

It is important to note, that future development at the West Med Tech site (see Area 9a) would be limited by the terms and conditions of the EDA agreement. As previously discussed, permitted uses at this site would be limited to "Business Park for Light Industrial and Medical Technology uses." An overlay district limiting uses to those uses allowed by the EDA agreement, with other accessory commercial uses permitted could be enacted. Upon expiration of the EDA agreement (2024), the overlay district could be removed, if desired, and the site could then be developed in accordance with the proposed PO District.

#### ***5.2.7 Gateway Districts***

Newburgh should seek to improve the major gateways into the City. Landscape and design guidelines should be developed for uniform signage, streetscape, and other improvements in these locations indicated on the Future Land Use Map. A wayfinding signage program, along with façade and streetscape guidelines would help create a strong entryway to the City and the City's waterfront that reflects Newburgh's urban scale

and historic character. The Gateway Districts could be achieved through the use of an overlay district at the identified gateway locations.

### **5.2.8 Industrial Districts (I-1, I-2)**

No zoning map changes are proposed for areas currently zoned industrial. Amendments to the Zoning Code text are recommended to allow additional commercial and recreational uses where appropriate, within the City's existing industrially zoned properties. This will allow for greater flexibility in the future allowed uses at the City's Armory property and within the Northwestern Industrial/Commercial Campus, among others.

### **5.3 Floor Area Ratio (FAR)**

Floor Area Ratio (FAR) is a density control that regulates the size of a building. The FAR number multiplied by the lot size yields the maximum total square footage of built area allowed on a site. For example, an FAR of 2 when applied to a 10,000 square foot parcel of land yields a total gross square footage of 20,000 square feet of building space. FAR does not control any other aspect of the building; FAR simply regulates total building square footage. It does not control building coverage, setbacks on height, or the type of land use permitted.

FAR has been used in urban settings where a finely tuned density control was desired and would complement other area and bulk standards. As a zoning tool, FAR has become commonplace in many cities in New York State comparable to Newburgh in terms of population and density. Newburgh currently has a traditional zoning code with area and bulk controls such as setback requirements and height restrictions. However, as noted in the introduction of this section, Newburgh's code does not currently contain building coverage standards in all zoning districts. This Plan recommends the addition of building coverage standards as an effective means of addressing density issues. The addition of building coverage standards, combined with the City's other land use controls (i.e. height and setbacks), when appropriately applied to each zone, will effectively control density without the need to introduce the concept of FAR.

However, within the proposed mixed-use higher density zones (MU-1, MU-2, and MU-3) and the Planned Waterfront Development (PWD) District, FAR offers a more exact control on total floor area that might be constructed in the future. As a result, Tables 5-1 and 5-2 introduce the concept of FAR for the new mixed-use and waterfront zones. The proposed FAR ranges have been developed so that they are compatible with proposed building coverage and height regulations. For example, the recommended FAR for the MU-1 District is 1.2 to 1.4. This means that a 10,000 square foot site could have up to 12,000 or 14,000 square feet of gross building floor area on the site. Such floor area can be

accommodated with a four story building at a building coverage of 30 or 35%. This type of FAR is appropriate for corridor areas such as along Broadway.

The proposed FAR for the MU-2 and PWD Districts range from 2.4 to 2.6; these districts are proposed for the Mid-Broadway Transit Node, portions of Lower Broadway and the waterfront. In these areas, a 10,000 square foot site could have a maximum gross building area of 24,000 or 26,000 to be located in a maximum 6-story structure with a 40-50% building coverage.

The highest FAR would be reserved for the proposed MU-3 District, which is proposed for the "downtown" Broadway area (see Figure 5-1, Area 8). In this area the maximum allowable FAR would be 4. Thus, a 10,000 square foot lot could have a maximum gross building area of 40,000 square feet in an 8-story building with a 50-60% building coverage.

#### **5.4 Parking Requirements**

Parking variances are often required for new development projects located within Newburgh. This, in large part, is due to the fact that the City's building stock pre-dates the advent of the automobile; therefore more realistic parking standards need to be developed. For example, the current retail requirement of 1 space per 200 square feet reflects a suburban shopping center requirement rather than a downtown mixed-use requirement. One parking space per 250 square feet is more appropriate in an urban setting.

In addition to the review of individual standards, the Planning Board should be given authority to reduce parking requirements by 15-25% for shared parking credit in mixed-use buildings. For example, residential use demands peak parking in the evening and weekends whereas parking for office use peak during the day. Such a credit is particularly important in the new mixed-use zones that are recommended. The existing site plan requirements (section 300-54 B) currently discuss circulation and parking. Such a credit could be included in this section. Further, it is recommended that within the proposed MU and PWD districts that parking be excluded from both building coverage and FAR calculations. Thus, parking garages would not be considered part of the gross floor area of a building.

#### **5.5 Summary of Zoning Recommendations**

A list of zoning recommendations is included in Table 5-3 below. This table references Figure 5-1 and provides a summary of potential future zoning actions for each of the identified areas. A detailed zoning study is necessary in order for Newburgh to address

any proposed zoning changes. The last column in the table provides a reference to the section(s) in the report which explain the proposed future land use for each area.

**Table 5-3: Proposed Zoning Changes**

Area ID	Description	Existing Zoning	Proposed Zoning	Rationale for Proposed Change
1	Mill District	C-3 & PO-2	MU-1	Sections 3.2.3 & 4.2.2
2	Lake Street Development Opportunity Area	C-3	MU-1	Section 3.2.4
3a	Area along Broadway from Fullerton St to Johnston St	C-2 & C-3	MU-1	Section 3.2.9 & 4.2.10
4	Tourist Commercial District south of Broadway	TC-1	MU-1	Section 5.2.2
5	Area around intersection of South St and Liberty St	TC-1 & R-2	MU-1	Sections 4.2.2 & 5.2.2
6	Mid-Broadway Transit Node	C-2 & C-3	MU-2	Sections 3.2.9, 4.2.2 & 5.2.2
7	Lower Broadway Mixed Use District	TC-1, R-2,	MU-2	Sections 3.2.10, 4.2.2 & 5.2.2
8	Lower Broadway Mixed Use District	RC, TC-1, R-3, PO-2 & W-2	MU-3	Sections 3.2.10, .2.2 & 5.2.2
9a	West Med Tech Site	PO-2	PO/Overlay District	Sections 3.2.2, 4.2.3 & 5.2.6
9b	Existing Planned Office Parcels	PO-2, PO-1	PO	Section 5.2.6
10	Snake Hill Conservation Development Area	PO-2	CR*	Sections 3.2.5 & 4.2.6 & 5.2.5
11	Area along Washington St and Lake Street	C-2	R-3	Section 4.2.1
12	Area along William Street between Ann St and Renwick St	C-1	R-3	Section 4.2.1
13	Area generally bound by Carter St, Van Ness St, Robinson St and City St	R-2 & R-1	R-3	Section 4.2.1
14	Area around Third Street and Fullerton St	R-1	C-1	Section 4.2.2 & 5.2.3
15	Area along Broadway from McDowell Pl to Wisner Ave	C-1	R-1	Section 4.2.12 & 5.2.1
16	Industrial parcel on Broadway	I-1	R-1	Section 4.2.1 & 5.2.1
17	Southern Commercial District	I-1	C-3	Section 3.2.12, 4.2.3 & 5.2.3
18	Waterfront Areas north of River St	W-1	PWD	Sections 3.2.11, 4.2.7 & 5.2.4
19a-19d	Multifamily housing	R-1	R-3	Section 5.2.1
19e	Single family residential	C-2	R-1	Section 5.2.1
19f	Single family residential	PO-2	R-1	Section 5.2.1
19g	Multifamily housing	I-1	R-3	Section 5.2.1
19h	Multifamily housing	W-1	R-3	Section 5.2.1
19i	Retail, general commercial, institutional	PO-2	C-2	Section 5.2.3
19j	Retail, general commercial, institutional	R-1	C-2	Section 5.2.3