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**City of Newburgh Zoning Code Revisions  
Leadership Team Meeting**  
January 29, 2013 5:00  
City Hall

**In attendance for City of Newburgh:**

Richard Herbek\*, City Manager; Michelle Kelson, Corporation Counsel; Ian McDougall, City Planner; Lisa Daily, Chairperson, Planning Board; Elizabeth Evans, Assistant to the City Manager\*\*

**In attendance for AKRF:**

Keith Rowan, Technical Director of Economic Group; Peter Feroe, Project Planner; Nanette Bourne, Sr. VP and Managing Director

**In attendance for Greater Newburgh Partnership:**

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

**In attendance for Orange County:**

David Church, Planning Commissioner

**Absent:**

Mayor Judy Kennedy, Mike Vatter, Fire Chief and Code Compliance Officer, Joanne Lugo, Chairperson, Zoning Board; Nina Peek, Project Manager AKRF; Sue Sullivan, Executive Director, Greater Newburgh Partnership

\*Ex-Officio

\*\*Support Staff

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Ms. Bourne opened the meeting. AKRF has received the extensive list of documents provided by the City and has begun review. The AKRF Team thanked Mr. McDougall for his tour which took place just prior to the meeting and cited his vast knowledge and

passion for the City as helpful and engaging. A welcome was extended to Orange County Planning Commissioner David Church and synopsis of discussion thus far.

Scheduling discussion ensued to avoid a conflicting meeting that Mayor Kennedy and Mr. Church both attend.

AKRF has pared down the list of studies. The group reviewed the summary list to determine which were deemed the most important and useful and which were duplications or not considered worthwhile.

AKRF presented a list of 18 questions derived from their document review for clarification, much of which had been answered in the city tour Mr. McDougall led the AKRF group prior to the meeting.

Discussion centered around the viability of a commercial, industrialized waterfront and the kinds of industries they would like to see in Newburgh, transportation in and around the city, and the source categories of many of the variances sought.

Ms. Kelson suggested AKRF talk to City historian Betsy McKeon on how the East End Historic District was created and information regarding Colonial Terraces.

Ms. Kelson and Mr. McDougall cited the various levels of specificity of the existing code as an important issue to address, particularly in the definitions.

Ms. Bourne offered to bring input from the development community to offer insight into what a developer would look for when considering a new location, a suggestion very welcomed by the group.

Ms. Bourne distributed a draft of a document outlining the roles and responsibilities of the Leadership Team to address the Newburgh City Council's need and interest in revising the Zoning Code and how the two could work together towards the mutually agreeable objective. The time remaining for review and discussion was minimal. Ms. Bourne suggested that the Leadership Team members continue discussion at the next meeting to be scheduled at a later date.

Description of item(s)		Rec'd by AKRF	Category	Shelf#	Dept
-	LWRP 2008 DRAFT	Yes	Waterfront		
-	2007 Newburgh Waterfront Charette Workbook	Yes	Waterfront		
	2000 Waterfront Seaways Hotel Proposal	Yes	Waterfront		
	2001 Waterfront Hotel Development	Yes	Waterfront		
	2003 Waterfront Design Guidelines draft (Stuart Turner)	Yes	Waterfront		
	2007 Waterfront development DPZ articles	Yes	Waterfront		
	Charette DVD		Waterfront		
	Studies: 1995 Port Newburgh study/proposal by Hudson River Park Conservancy ??	No	Waterfront & ED	041D2B	EN
X	Adopted Future Land Use Plan 2011	Yes	LU		
X	Plan It Newburgh Sustainable Land Use Plan, 2008	Yes	LU		
	Newburgh Area Transportation and LU Study, May 2012	Yes	LU		
	Pace - Streamlining Land Use	Yes	LU		
	Zoning Code (e-code)	Yes	LU		
	2006 Heritage Corridor-proposal	Yes	LU		
	2007 Heritage Corridor - Nelessen PPT	Yes	LU		
	2007 Heritage Corridor-Program Work Plan (draft)	Yes	LU		
	2007 Heritage corridor Visioning Report (and FINAL)	Yes	LU		
	2009 Lander St - backyard project	Yes	LU		
	Studies: 2009 Newburgh 2020 - Downtown Newburgh "Live, Work, Play & Learn" study	No	LU	041D1F	EN
	Projects: 2006 Monroe St. & Orchard St., feasibility report ??	No	LU	127E3F	ED
	Large Format Zoning map	No	LU		
	GIS data	No	LU		
	List of special permits/variances granted (w/ resolutions of justification)	No	LU		
	Studies: 1995 Housing Development Options: East End Historic District - by Tetrault & Associates ??	No	Historic district	041D1F	EN
	Studies: 1995 Housing Development Options: for Historic Newburgh CDC aka River City Development Corp. ??	No	Historic district	041D1F	EN
	Liberty Street Commercial Implementation Strategy (Phase I), 2008	Yes	ED		
	2001 Econ Adjustment Strategy - Triad	Yes	ED		
	2009 Newburgh 2020 - Commercial Precedent study	Yes	ED		
	Studies: 1998 Pratt Institute: Lower Broadway study - by students ??	No	Broadway	041D2B	EN
	Studies: undated Parking: Lower Broadway - CDB Plaza project proposed ??	No	Broadway	041D2B	EN



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## Memorandum

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**To:** City of Newburgh Zoning Code Leadership Council  
**From:** Nanette Bourne, Peter Feroe & Keith Rowan  
**Date:** January 29, 2013  
**Re:** Phase 1 Engagement

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The City of Newburgh Rezoning Leadership Team is comprised of City officials and staff, including the Mayor, Corporation Counsel, City Manager, Acting Director of Planning and Development, Code Compliance Office/Building Inspector, Planning Board Chair, Zoning Board of Appeals Chair, and other invited zoning thought leaders. As such, the role of the Leadership Team is to engage with the Planning Consultant to provide substantive content and background, and to provide the context for proposed zoning changes, as well zoning no-changes. For the Revised Zoning Code to be successful, success being a revised Code that is beneficial to the community and adopted by the City Council, within the desired time frame, it is critical that members of the Leadership Team engage with the Planning Consultant on a regular basis to ‘truth’ zoning issues of concern, to provide context for feasible zoning changes, and to provide feedback on what can and cannot work.

As our collaboration begins, it is important that we engage with critical City members to form a common framework of facts and assumptions. The following represents statements included in the *City of Newburgh Future Land Use Plan (2011)*, and we would like your feedback:

1. Is there a need to update the Existing Land use and environmental opportunities Map – Figure 2-1 in the *City of Newburgh Future Land Use Plan (2011)*?
2. Is there a need to update potential future development, infrastructure improvements and economic trends, as presented in *City of Newburgh Future Land Use Plan (2011)*?
3. What is meant by “...obsolete land use designations that must be revised”?
4. Confirm summary map where desired future land use opportunities are inconsistent with existing zoning.
5. Do proposed Zoning Recommendations – Section 5.0 still reflect current policies and positions?
6. Have there been zoning map changes not reflected in Figure 2-2 (2011)?
7. Is the I-1 District (Heavy Commercial/Light Industrial District) a desirable future land use?
8. Is there an ‘interest’ in exploring a refinement to the size of the East End Historic District? The Colonial Terraces Design District?

9. Should there be a pre-and post-cleanup zoning designation for the “Northwestern Industrial/Commercial Campus” and “Industrial Campus” Opportunity Areas?
10. What is the status of Mill District “daylighting” of Quassaick and Gidney Town Creeks?
11. What is the status of Waterfront Opportunity Area (Area J) and the Site Management Plan (SMP)?
12. Definitions – more generic/broad or more specific?
13. “Description of all land uses in the zoning text should be provided” – what is this referring to?
14. “Uniformity of minimum lot sizes within each district should be *explored*” – what is this specific to?
15. Preferences for handling changing contemporary uses, such as live/work lofts, tattoo studios, pool halls?
16. Zoning Recommendation 5.2.1 (R-1, R-2, R-3) what is meant by “...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.”
17. Height!
18. FAR vs Building Coverage vs Site Development Coverage? What was the *Plan* going for?

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Nanette Bourne

Peter Feroe

Keith Rowan

DRAFT

MEMORANDUM OF UNDERSTANDING

CITY COUNCIL OF THE CITY OF NEWBURGH AND

NEWBURGH LEADERSHIP TEAM

WHEREAS, the City Council for the City of Newburgh adopted the *City of Newburgh Future Land Use Plan* (2011) as the visionary master land use plan for the City, and

WHEREAS, the City Council recognizes that subsequent to the adoption of the *Land Use Plan* it is necessary to revise and update the Zoning Code to be consistent with the policies and goals of the *Land Use Plan*; and

WHEREAS, the City Council recognizes that an updated and contemporary Zoning Code is critical towards promoting a balanced land use pattern that is encouraging of economic and community development; and

WHEREAS, the City Council acknowledges that the City's current Zoning Code is out of date, is inconsistent with the policies and goals of the *Land Use Plan*, and is contrary to the development pattern desired by the City Council, residents and communities leaders; and

WHEREAS, the City of Newburgh has worked with Pace Law School Land Use Law Center to identify areas for improvement within the City's current land use and approvals process and Pace Law School has submitted recommendations to the City Council to improve and streamline the City's land use process; and

WHEREAS, the City Council desires to complement ongoing efforts to streamline the City's land use approvals process and produce a Zoning Code that furthers those efforts; and

WHEREAS, Greater Newburgh Partnership (GNP) has received a grant from the Dyson Foundation to be used in partnership with the City of Newburgh to fund the development of a contemporary Zoning Code, and as part of this process has engaged the services of AKRF, Inc. a planning consultant ('Consultant'); and

WHEREAS, in collaboration with GNP, the City Council has designated a Leadership Team comprised of City staff and City officials to serve as key advisors for the approach, process, and content of a realistic revision of the City's Zoning Code; and

WHEREAS, the Leadership Team has provided the Consultant with prior studies to document historical land use patterns that are relevant to producing a revised Zoning Code; and

WHEREAS, the Leadership Team has met with the Consultant to identify issues and concerns with the City's current zoning code; and

WHEREAS, subsequent to a presentation of various models of zoning codes, the Leadership Team has considered the appropriateness of traditional Euclidian Zoning versus a Form Based Zoning Code and has directed that a hybrid of the two be drafted as the basic structure of a revised Code for consideration by the City Council; and

WHEREAS, the revision of the City of Newburgh Zoning Code is organized around the following four phases: Phase I consists of data gathering and setting of the overall direction for the Project; Phase II consists of drafting the proposed Zoning Code and modifications; Phase III consists of public outreach; and Phase IV consists of the environmental review of the new Zoning Code, as required by SEQRA, and concludes with the adoption of the Revised Zoning Code 18-months from the commencement of the project in January, 2013; and

WHEREAS, acknowledgement of this Memorandum of Understanding by the City Council represents concurrence with the goals and objectives as described herein, with the understanding that the drafting of a revised Zoning Code shall be commenced as specified as Phase 2 above.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh hereby supports the updating of the City's Zoning Code and endorses the work of the Leadership Team and Consultant, to draft a Zoning Code that is compatible with the adopted *Land Use Plan*, and one that is streamlined, specific and easy to understand, and where positive solutions to pressing issues are presented in a user-friendly way.

In addition, the City Council agrees to the following:

- Authorize the City Manager to provide access to City staff and relevant land use data concerning issues and constraints of the current Zoning Code and convey such information to the Leadership Team and Consultant;

- Authorize the City's legal representative to work with the Leadership Team and Consultant to 'structure' a hybrid of a traditional Euclidian and Form Based Zoning Code;
- Authorize the City's legal representative to create a record to help protect the City from potential legal challenges;
- Provide feedback throughout the duration of the drafting of the Code, and give specific direction at critical milestones throughout Phase II;
- Act as a conduit of issues, concerns, and ideas raised by the community throughout the process and provide input and direction to the Leadership Team and Consultant;
- In response to a presentation by the Leadership Team and Consultant at the end of Phase 1, on or about April 1, 2013, provide input and direction as to the format, approach, and critical zoning issues that the City Council would like to see in the Draft Revised Zoning Code (expected to be delivered to the City Council at the end of Phase 2).