



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
August 19, 2013
7:00 pm

Mayor:

1. Prayer
2. Pledge of Allegiance

City Clerk:

3. Roll Call

Communications:

4. Approval of the minutes of the Work Session meeting of July 11, 2013, the City Council meeting of July 15, 2013 and the special City Council meeting of August 1, 2013.

Presentation:

5. Certificate of Appreciation presented to Reverend Joel Sheets and the congregation of Grace Community Church for their generous donation of transportation for the City of Newburgh Summer Playground Fundamental Camp and for beautifying the grounds of the City of Newburgh Activity Center.

Proposed Public Hearing:

6. (Res. 163) A resolution of the City Council of the City of Newburgh under State Environmental Quality Review Act (SEQRA) declaring the intent of the City Council of the City of Newburgh to be lead agency, considering an environmental assessment form (EAF), notifying interested agencies and scheduling a joint public hearing with the City of Newburgh Planning Board on the application of Mill Street Partners, LLC for a large-scale mixed-use development Special Use Permit concerning the redevelopment of the Mid-Broadway site.
7. (Res. 172) A resolution scheduling a public hearing for September 12, 2013 to hear public comment regarding a recommended amendment to the fiscal year 2013 Community Development Block Grant budget of the City of Newburgh.

Public Hearing:

8. A public hearing to receive comment concerning a local law amending Chapter 70 entitled "Parking Violations Bureau" of the Code of the City of Newburgh to increase fines for certain parking violations.
9. A public hearing to receive comment regarding the housing and community development needs of the City of Newburgh in order to assist with the preparation of the Housing and Community Development Plan for fiscal year 2014.

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

10. Local Law No. 1 - 2013
A local law amending Chapter 70 entitled "Parking Violations Bureau" of the Code of the City of Newburgh to increase fines for certain parking violations.
11. Resolution No. 164 - 2013
A resolution of the City Council of the City of Newburgh adopting the Environmental Assessment Form and issuing a Negative Declaration under the State Environmental Quality Review Act concerning a local law rescinding City Charter Section C15.11 through C15.17 entitled "Board of Parks, Recreation and Conservation", Chapter 279, "Trees and Shrubs" and Chapter 296 "Waterfront Consistency Review" and the adoption of Chapter 159 creating a Conservation Advisory Council and an amendment of Chapter 300, the Zoning Ordinance of the City of Newburgh.
12. Local Law No. 2 - 2013
A local law rescinding City Charter Section C15.11 through C15.17 entitled "Board of Parks, Recreation and Conservation, Chapter 279 entitled "Trees and Shrubs" and rescinding Chapter 296 entitled "Waterfront Consistency Review" and adding Chapter 159 entitled "Conservation Advisory Council" to the Code of the City of Newburgh.
13. Ordinance No. 10 - 2013
An ordinance to amend Chapter 300 entitled "Zoning" and to amend Chapter 234, entitled "Property Damage" of the Code of Ordinances of the City of Newburgh to conform to the creation of a Conservation Advisory Council in the City of Newburgh.
14. Resolution No. 165 - 2013
A resolution authorizing the extension of time to close title on the property located at 34 Carter Street (Section 22, Block 2, Lot 26) sold at private sale to Stacey Burks.

15. Resolution No. 166 - 2013
A resolution authorizing the interim City Manager to enter into an agreement with a licensed real estate appraiser for professional appraisal services in connection with the sale of City-owned properties.
16. Resolution No. 167 - 2013
A resolution authorizing the interim City Manager to enter into an agreement with the Research Foundation for the State University of New York at New Paltz to develop an interactive website showing a map of abandoned properties in the City of Newburgh.
17. Resolution No. 168 - 2013
A resolution authorizing the City Manager to apply for and to accept if awarded a grant in an amount not to exceed two million dollars from the Department of Homeland Security under the Staffing for Adequate Fire and Emergency Response Program (SAFER) to provide funding to hire 15 firefighters in the City of Newburgh with no City match required.
18. Resolution No. 169 - 2013
A resolution authorizing the City of Newburgh Fire Department to become a participating agency in the New York Task Force Search and Rescue Team.
19. Resolution No. 170 – 2013
A resolution amending Resolution No. 135-2013 of July 15, 2013 which authorized the interim City Manager to execute vendor services agreements with various service providers in connection with the closeout of the 21st Century Learning Center grant program.
20. Resolution No. 171 – 2013
A resolution amending Resolution No. 223-2012, the 2013 Budget for the City of Newburgh, New York to transfer \$6,500.00 from Independence Day to International Festival to cover anticipated expenditures.
21. Resolution No. 173 – 2013
A resolution authorizing the interim City Manager to enter into a license agreement with the Workforce Development Institute, Inc. for a portion of the first floor of 123 Grand Street for a term of one year.
22. Resolution No. 174 – 2013
A resolution authorizing the interim City Manager to execute a license agreement with Art and John's Auto Collision to allow access to City-owned property as a parking and storage area for a vehicle, equipment and related materials during the

installation of monitoring wells in connection with the environmental remediation of City-owned property located at 210 Mill Street.

23. Resolution No. 175 – 2013

A resolution authorizing the interim City Manager to execute an agreement with Ricoh USA, Inc. to lease a Ricoh Copier at the cost of \$202.27 per month for 36 months.

24. Resolution No. 176 – 2013

A resolution authorizing the execution of a license agreement for the use of the stadium located at Delano Hitch Recreation Park by the Newburgh Hook Elite Boxing Club and EBC Sports Ministry.

25. Resolution No. 177 – 2013

A resolution authorizing the interim City Manager to enter into an agreement with Blacks in Law Enforcement of America to provide assistance in the recruitment efforts of the City of Newburgh for the Police Officer Civil Service Exam.

26. Resolution No. 178 – 2013

A resolution authorizing the settlement of litigation regarding the in rem tax foreclosure of liens for the years 2011 and 2012 relative to 303 Broadway.

27. Resolution No. 179 - 2013

A resolution amending Resolution No. 223-2012, the 2013 Budget for the City of Newburgh, New York to transfer \$100,000.00 from general fund balance, \$238,000.00 from TAN issuance and \$24,000.00 from Bond issuance expense to fund fire department overtime.

28. Resolution No. 180 – 2013

A resolution authorizing the settlement of the workers compensation claim of William Rivera pursuant to Section 32 of the Workers Compensation Law in the amount of thirteen thousand five hundred fifty dollars.

29. Resolution No. 181 – 2013

A resolution authorizing the settlement of litigation regarding the in rem tax foreclosure of liens for the year 2011 relative to 109 S. William Street.

Old Business:

30. Resolution No. 147 - 2013

A resolution authorizing the interim City Manager to enter into a license agreement with the Youth Empowerment Center for the first floor of 104 South Lander Street for a term of one year.

Agenda - City Council Meeting
August 19, 2013

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

RESOLUTION NO.: 163 - 2013

OF

AUGUST 19, 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
TO BE LEAD AGENCY, CONSIDERING AN ENVIRONMENTAL ASSESSMENT FORM
(EAF), NOTIFYING INTERESTED AGENCIES AND SCHEDULING A JOINT PUBLIC
HEARING WITH THE CITY OF NEWBURGH PLANNING BOARD ON THE
APPLICATION OF MILL STREET PARTNERS, LLC FOR A LARGE-SCALE MIXED-USE
DEVELOPMENT SPECIAL USE PERMIT CONCERNING THE REDEVELOPMENT OF
THE MID-BROADWAY SITE**

WHEREAS, by Resolution No. 194-2012 of October 22, 2012, the City Council of the City of Newburgh, New York authorized the City Manager to execute a Development and Land Disposition Agreement with Mill Street Partners, LLC (the "Development Agreement") for the redevelopment of the Mid-Broadway site (the "Project"); and

WHEREAS, Mill Street Partners, LLC has made an application for a Large-Scale Mixed-Use Development Special Use Permit from the City Council pursuant to Section 300-38 of the Zoning Code of the City of Newburgh; and

WHEREAS, Mill Street Partners, LLC has made an application for Site Plan approval from the City of Newburgh Planning Board pursuant to Section 300-50 of the Zoning Code of the City of Newburgh; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh wishes to declare its intent to be Lead Agency, declare the action to be a Type I Action, refer the proposed Large-Scale Mixed-Use Development Special Use Permit Application to the Orange County Planning Department pursuant to General Municipal Law Section 239, and schedule a joint public hearing with the Planning Board in connection with the Project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6;

2. Classifies the action as a Type I Action;
3. Proposes to accept as complete the Environmental Assessment Form ("EAF") attached hereto; and
4. Refers the proposed Large-Scale Mixed-Use Development Special Use Permit Application to the Orange County Planning Department as required by General Municipal Law Section 239; and
5. Schedules a joint public hearing with the Planning Board to receive comments concerning the Large-Scale Mixed-Use Development Special Use Permit Application of Mill Street Partners, LLC for the construction of a large-scale mixed use building under Section 300-38 of the Zoning Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 12th day of September, 2013, and any adjourned date, in the 3rd Floor Council Chambers, City Hall, 83 Broadway, Newburgh, New York.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Mid-Broadway Mixed Use Development; Newburgh, New York

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Mid-Broadway Mixed Use Development; Newburgh, New York

Location of Action (include Street Address, Municipality and County)

140 Broadway, Newburgh, New York 12550

Name of Applicant/Sponsor Mill Street Partners, LLC

Address 853 Broadway

City / PO New York

State New York

Zip Code 12550

Business Telephone 914-557-5875

Name of Owner (if different) City of Newburgh

Address 83 Broadway

City / PO Newburgh

State New York

Zip Code 845-569-7300

Business Telephone 845-569-7300

Description of Action:

The Action consists of a mixed use development with 91 residential units above +/- 13,800 sq. ft. of retail business at street level with associated appurtenant structures. The project will be a redevelopment project on mostly vacant (an abandoned 3 story building to be razed is the only structure) +/- 1.927 acre parcel of City of Newburgh owned property. The proposed building will range from four to five stories and have frontage on Broadway, Lander and Johnson Streets. 155 off-street spaces, a loading dock, outdoor seating and a play area are proposed behind the building. Adequate city infrastructure (i.e. water, sewer, gas, electric, etc.) is available to serve the proposed development. Developers agreement allows for 26 shared parking spaces located in the Municipal parking lot across Lander Street behind the DMV office.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Urban Residential

2. Total acreage of project area: 1.94 +/- acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested	<u>0</u> acres	<u>0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>1.38</u> acres	<u>1.8</u> acres
Other (Indicate type) <u>Landscaped areas.</u>	<u>0.56</u> acres	<u>0.14</u> acres

3. What is predominant soil type(s) on project site? Mardin Loam (MdB), group "D"

- a. Soil drainage: Well drained ___% of site Moderately well drained 40 % of site.
 Poorly drained 60 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock 14 - 26 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% ___% 15% or greater ___%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 8 - 11 +/- (in feet)

9. Is site located over a primary, principal, or sole-source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

New York State Department of Environmental Conservation

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

N/A

14. Does the present site include scenic views known to be important to the community? Yes No

View of Mount Beacon and areas of the Newburgh Historic District

15. Streams within or contiguous to project area:

None

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

N/A

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 3047? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 6177? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 1.94 +/- acres.
- b. Project acreage to be developed; 0 acres initially; 1.94 +/- acres ultimately.
- c. Project acreage to remain undeveloped; 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 155
- g. Maximum vehicular trips generated per hour: +/-200 (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ultimately	<u>0</u>	<u>0</u>	<u>0</u>	<u>91</u>

- i. Dimensions (in feet) of largest proposed structure: 64 height; 210' width; 188' max length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 765 +/- ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 3,000 tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?

Mixed use development

- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.5 +/- acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 24 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: Oct month 2013 year, (including demolition)

c. Approximate completion date of final phase: Oct month 2015 year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 150; after project is complete 31

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? Yes No Type N/A

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? +/-15 tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name Orange Cty Transfer #2; location 9 Orr Avenue, Newburgh

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

N/A

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Residential and retail electric and gas usage.

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day 19,468 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

New York State's Housing Finance Agency (NYS HFA), New York State Housing Trust Fund, New York State Empire State Development, New York State Energy Research and Development Authority (NYSERDA), Orange County Office of Community Development, City of Newburgh

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use Permit	August 2013
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval Lot Line Adjustment	May 2013 October 2013
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County DOH	TBD
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County GML Newburgh water/sewer dept. Arch. Review Comm.	August 2013 TBD May 2013
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSHFA	April 2013 April 2013
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input checked="" type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

TC-1 (Tourist Commercial), Large Scale Mixed Use Development

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

As proposed.

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Commercial & Residential (R-2, R-1, & C-1)

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

A traffic analysis will be prepared and submitted with a future submission.

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Preparer, William Moran, PE Date August 9, 2013

Signature 

Title Preparer, Senior Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Prepared by: Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road, PO Box 37
Mountainville, NY 10953
(800) 829-6531

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other impacts: Yes No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other impacts: Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Development of the project site will inevitably change surface water runoff flow rates and patterns. The Applicant's Engineer has prepared a SWPPP with mitigation measures.

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

The project is located in a PM2.5 Nonattainment Area (Orange County) with regard to air quality.

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Redevelopment of the site will involve the construction of a new 4 to 5 story building that may create new scenic views, but may also screen some existing views.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

• Other impacts:

Redevelopment involves construction of a new building within a designated historic district.

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|-------------------------------------|---|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Redevelopment of the project site will increase traffic levels in the surrounding streets and intersections. Existing parking spaces outside of the project area will also be eliminated.

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Redevelopment of the project site will cause a minor localized increase in demand for fuel and energy.

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Temporary impacts during the construction phase.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES Unknown

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

See attached sheets.

Part III - Full Environmental Assessment Form

Mid-Broadway Mixed-Use Site

Impact on Land

1. Will the Proposed Action result in a physical change to the project site? **(YES)**
 - Construction that will continue for more than 1 year or involve more than one phase or stage.

Response: Redevelopment of the site will involve the construction of a 4 to 5 story, 91-unit mixed-use residential & retail facility. Parking, lighting, landscaping, stormwater drainage and other associated appurtenances will also require construction to accommodate a facility of this size. Construction of this facility will likely take approximately 2 years due to the size and complexity of the project. The most intrusive portion of the project will involve the earthwork stage that is planned to take place during the beginning of the project. The majority of the construction duration will involve the erection of the actual building, which will have less of an impact to the surrounding community. It is not believed that the planned 2-year construction duration will have a significant negative impact to the community.

Impact on Water

5. Will the Proposed Action affect surface or groundwater quality or quantity? **(YES)**
 - Proposed Action would use water in excess of 20,000 gallons per day.

Response: Redevelopment of the site will involve the construction of a 91-Unit Mixed-Use residential/retail facility. The project engineer's projections of the anticipated water usage by the facility will consist of approximately 19,468 gallons per day. The City's existing water supply infrastructure is capable of handling this relatively small increase in demand for potable water.

Impact on Air

7. Will Proposed Action affect air quality? **(YES)**
 - Other Impacts.

Response: The project is located in a PM2.5 Nonattainment Area (Orange County) with regard to air quality. This potential impact will be outlined in the traffic analysis being prepared by the Applicant's Consultant.

Impact on Aesthetic Resources

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) (YES)

- Other impacts.

Response: Redevelopment of the site will involve the construction of a new 4 to 5 story building that may create new scenic views, or eliminate some existing views. The applicant has provided elevation renderings showing the newly proposed building. These elevations shall be submitted, reviewed and approved by the Architectural Review Board.

Impact on Historic and Archaeological Resources

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? (YES)

- Other impacts.

Response: Redevelopment of the site will involve the construction of a new 4 to 5 story mixed-use building within a designated historic district (See OPRHP map attachment). The project's intended use is consistent with the surrounding commercial and residential uses, and the project architect has designed the building facades to blend in with the historical architecture of the surrounding community.

Impact on Transportation

15. Will there be an effect on existing transportation systems? (YES)

- Other impacts.

Response: Redevelopment of the project site will increase traffic levels in the surrounding streets and intersections. Existing parking spaces located outside of the project area will also be eliminated (East & West sides of Lander Street and in Parking Lot behind DMV). The applicant shall evaluate the traffic impact on the nearby intersections. The applicant shall also prepare a parking analysis to

demonstrate that the proposed impact will not create a significant negative impact on parking within the City.

Impact on Energy

16. Will there be an effect on the community's sources of fuel or energy supply? (YES)

- Other impacts.

Response: Redevelopment of the project site will inevitably cause minor localized increases in demand for fuel and energy. This project will be constructed in place of existing, abandoned residential and commercial facilities that had a past demand for fuel and energy. While the new proposal will involve a greater density in residential use, the facility will be constructed with greater energy efficiency, and will also incorporate sustainable energy facilities such as solar panels, to assist in offsetting the demand for conventional energy resources.

Noise and Odor Impact

17. Will there be objectionable odors, noise or vibration as a result of the Proposed Action? (YES)

- Other impacts.

Response: Temporary noise and vibration impacts will take place during the earthwork construction phase of the project. These impacts will be temporary and short in duration. They will be mitigated by complying with the City's noise ordinance, and restricting certain construction operations to certain hours as specified in the City of Newburgh's Noise Ordinance.

Impact on Public Health

18. Will Proposed Action affect public health and safety? (YES)

- Other impacts.

Response: A Phase II Environmental Study was completed by the office of Ecosystems Strategies, Inc. This study identified an existing buried underground storage tank with surrounding contaminated soil, leaking drums containing petroleum, site soils contaminated with PAHs, metals and PCBs, along with low level VOCs. The Phase II report recommends appropriate remediation measures to deal with these existing contaminated soils. Some of these measures will be put into place prior to development, and some aspects of remediation

will be required of the developer once construction is underway. It is believed that these remediation measures can be performed on a parallel path alongside project review, approval and construction.

Impact on Growth and Character of Community or Neighborhood

19. Will Proposed Action affect the character of the existing community? (YES)

- Proposed Action will create or eliminate employment.

Response: Approval of the proposed action will create approximately 150 temporary jobs during construction, and 31 permanent jobs after construction is completed. The addition of these temporary and permanent jobs to the City will undoubtedly be a positive impact.

Mid Broadway Mixed Use Development

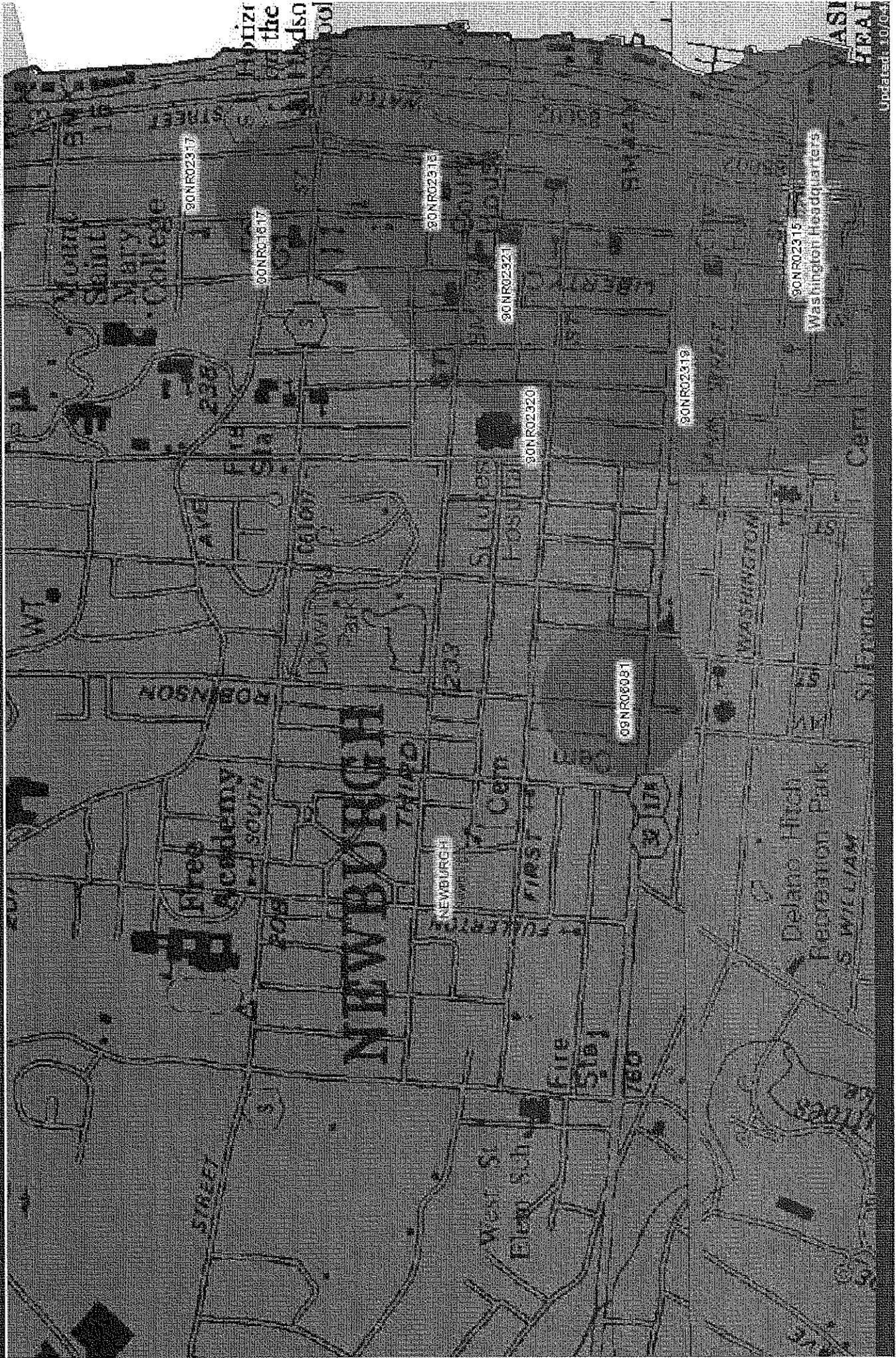
Projected Water and Wastewater Demand

Type of Facility	Flow Rate per Unit / SF/ Emp (GPD)	Number of Units / SF/ Emp	Expected Hydraulic Loading Rate (GPD)
One-Bedroom Apartment	150	40	6,000
Two-Bedroom Apartment	300	39	11,700
Three-Bedroom Townhouse	400	12	4,800
Commercial/Retail	0.1	13,700	1,370
Commercial/Retail Employees add 15 GPD/Emp	15	31	465
Sub Total:			24,335
Apply 20% reduction for water-saving devices, Total:			19,468

Source: Flow rates based on the New York State Department of Environmental Conservation (NYSDEC) Design Standards for Wastewater Treatment Works, 1988 edition.

Historic Preservation Office Access

Click on map to: Zoom in



RESOLUTION NO.: 172 -2013

OF

AUGUST 19, 2013

RESOLUTION SCHEDULING A PUBLIC HEARING
FOR SEPTEMBER 12, 201 TO HEAR PUBLIC COMMENT
REGARDING A RECOMMENDED AMENDMENT TO THE FISCAL YEAR 2013
COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments regarding a recommended amendment to the Fiscal Year 2013 Community Development Block Grant Budget of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 12th day of September 2013 in the third floor Council Chambers located at 83 Broadway, City Hall, Newburgh, New York

LOCAL LAW NO.: 1 - 2013

OF

_____, 2013

A LOCAL LAW AMENDING CHAPTER 70 ENTITLED "PARKING VIOLATIONS BUREAU" OF THE CODE OF THE CITY OF NEWBURGH TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 70 Entitled 'Parking Violations Bureau' of the Code of Ordinances of the City of Newburgh to Increase Fines for Certain Parking Violations ."

SECTION 2 - AMENDMENT

Chapter 70 entitled "Parking Violations Bureau" is hereby amended to read as follows:

§ 70-17. Schedule of fines and penalties.

The schedule of fines and penalties shall be as follows:

Violation	Fine
Failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation	\$15.00
Parking prohibited beyond time limit allowed, other than parking meter	\$10.00
Parking over lines	\$10.00
Improper Angle Parking	\$10.00
Parking on the sidewalk	\$10.00
Parking prohibited upon publicly or privately owned premises without permission	\$10.00
Parking in City lot without permit	\$10.00 <u>25.00</u>
Restricted Parking near Newburgh Free Academy and St. Luke's Cornwall Hospital	\$10.00
Stopped, standing or parked facing wrong direction	\$10.00
Stopped, standing or parked more than 12 inches from curb	\$10.00

Underlining denotes additions
~~Strikethrough~~ denotes deletions

Parking prohibitions:

Parking prohibited at any time	\$10.00
Parking prohibited during certain hours	\$10.00
Parking prohibited on alternate days	\$25.00
Parking prohibited on alternate days - snow emergency	\$50.00
Parking prohibited on alternate days - street cleaning	\$50.00
Parking prohibited on snow emergency routes	\$50.00
Parking prohibited in a taxi stand	\$10.00
Parking prohibited in a bus stop	\$10.00
Parking prohibited in a loading zone	\$10.00
Parking prohibited in boat trailer parking zone	\$10.00 <u>25.00</u>

Violation

Fine

Standing prohibitions:

Standing prohibited at any time	\$10.00
Standing prohibited during certain hours	\$10.00
Standing prohibited from here to corner	\$20.00

Stopping prohibitions:

Stopping prohibited at any time	\$10.00
Stopping prohibited during certain hours	\$10.00
Stopping prohibited from here to corner	\$20.00
Stopped, standing or parked on a sidewalk	\$20.00
Standing or parked in front of a public or private driveway	\$25.00
Expired certificate of inspection or registration	\$20.00
Stopped, standing or parked within 15 feet of a fire hydrant	\$25.00 <u>100.00</u>

Double parking	\$25.00 <u>50.00</u>
Obstructing traffic	\$25.00
Interfering with snow removal	\$50.00
Public Safety Reserved Parking	\$10.00
Parking/Standing within 50 ft of Firehouse	\$10.00 <u>25.00</u>
Handicapped parking violations per § 1203-c of the Vehicle and Traffic Law	\$100.00

NOTE: In addition, a surcharge of \$30 has been levied by the state of New York for handicapped parking violations pursuant to § 1809-b of the Vehicle and Traffic Law.

SECTION 3 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

SECTION 4 - EFFECTIVE DATE

This Local Law shall be effective immediately upon adoption in accordance with the provisions of New York State Municipal Home Rule Law.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: 164 - 2013

OF

AUGUST 19, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH ADOPTING THE ENVIRONMENTAL ASSESSMENT FORM AND ISSUING A NEGATIVE DECLARATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) CONCERNING A LOCAL LAW RESCINDING CITY CHARTER SECTION C15.11 THROUGH C15.17 ENTITLED "BOARD OF PARKS, RECREATION AND CONSERVATION", CHAPTER 279, "TREES AND SHRUBS" AND CHAPTER 296, "WATERFRONT CONSISTENCY REVIEW" AND THE ADOPTION OF CHAPTER 159 CREATING A CONSERVATION ADVISORY COUNCIL AND AN AMENDMENT OF CHAPTER 300, THE ZONING ORDINANCE OF THE CITY OF NEWBURGH

WHEREAS, by Resolution No. 117-2013 of June 17, 2013, the City Council of the City of Newburgh declared itself as the Lead Agency for the environmental review of "A Local Law Rescinding City Charter Section C15.11 through C15.17 entitled "Board of Parks, Recreation and Conservation", Chapter 279, "Trees and Shrubs" and Chapter 296, "Waterfront Consistency Review" and the Adoption of Chapter 159 Creating a Conservation Advisory Council" and "An Ordinance to Amend Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh ("the legislation") pursuant to 6 NYCRR 617.6; classified the adoption of the proposed legislation as an Unlisted Action; proposed to accept as complete the Environmental Assessment Form ("EAF"); referred the proposed legislation to the Orange County Planning Department as required by General Municipal Law Section 239; and scheduled a public hearing to receive comments regarding the proposed legislation; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh now wishes to approve and adopt the EAF; and

WHEREAS, the City of Newburgh has taken a hard look at the environmental impacts of adopting the legislation and has determined that there will be no negative environmental impacts regarding same; and

WHEREAS, the City Council finds that the adoption of the legislation is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York hereby adopts the EAF and issues a Negative Declaration pursuant to the SEQRA.

LOCAL LAW NO.: 2 - 2013

OF

AUGUST 19, 2013

A LOCAL LAW RESCINDING CITY CHARTER SECTION C15.11 THROUGH C15.17 ENTITLED "BOARD OF PARKS, RECREATION AND CONSERVATION, CHAPTER 279 ENTITLED "TREES AND SHRUBS" AND RESCINDING CHAPTER 296 ENTITLED "WATERFRONT CONSISTENCY REVIEW" AND ADDING CHAPTER 159 ENTITLED "CONSERVATION ADVISORY COUNCIL" TO THE CODE OF THE CITY OF NEWBURGH

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as "A Local Law Rescinding City Charter Section C15.11 through C15.17 Entitled "Board of Parks, Recreation and Conservation, Chapter 270 Entitled 'Trees and Shrubs' and Rescinding Chapter 296 Entitled 'Waterfront Consistency Review' and Adding Chapter 159 Entitled 'Conservation Advisory Council' to the Code of Ordinances of the City of Newburgh."

SECTION 2 – PURPOSE AND INTENT

The purpose of this local law is to create a Conservation Advisory Council in the City of Newburgh. The City of Newburgh wishes to create a more investment ready community and to achieve this goal, the City focused, in part, on streamlining the land use approval process. The streamlined land use approval process should attract real estate investment from current and potential residents, business owners, and developers by offering faster and more predictable land use processes and approvals. Streamlining these approvals will also encourage existing uses and structures to be maintained and upgraded.

Part of the streamlining process, recommended in the Pace Land Use Law Center Streamlining Report, includes the consolidation of the Waterfront Advisory Committee (WAC) and Shade Tree Commission (STC) into a new advisory council, in the form of a Conservation Advisory Council, which would act as an advocate for the City of Newburgh's natural resources.

Under this local law, the WAC and the STC would be integrated into a new Conservation Advisory Council, which would advocate for Newburgh's many valuable natural resources including open spaces, wetlands, coastal areas, and trees. In addition, the proposed CAC will create an inventory of Newburgh's natural resources, make recommendations to City agencies and

boards on environmental policies and practices, and promote the City's environmental goals to the public.

SECTION 3 - AMENDMENT

The City Charter is hereby amended to rescind City Charter Sections C15.11 through C15.17 entitled "Board of Parks, Recreation and Conservation and the Code of Ordinances is hereby amended to rescind Chapter 279 entitled "Trees and Shrubs" and to rescind Chapter 297 entitled "Waterfront Consistency Review" in their entirety. The Code of Ordinances is hereby further amended to add Chapter 159 entitled "Conservation Advisory Council" to read as follows:

Chapter 159: Conservation Advisory Council

Section 159-1: Title

This Chapter will be known as "Chapter 159 of the Code of Ordinances" and shall be entitled "The City of Newburgh Conservation Advisory Council."

Section 159-2: Authority and Purpose

A. This section is adopted under the authority of the Municipal Home Rule Law, New York General Municipal Law Article 12-F, the New York General Municipal Law Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law), and New York General Municipal Law Article 5, Section 96-B Tree Conservation.

B. The City of Newburgh ("City") is renowned for its scenic beauty and bucolic open spaces, urban and historic character, natural resources and outstanding quality of life. The City is also known for the care it takes to ensure that its nationally recognized resources are protected and preserved. The preservation and improvement of the quality of the natural environment within the City are of vital importance to the health, welfare and economic well-being of present and future residents and require action by the City Council. The City recognizes its vulnerabilities to changing weather patterns and the need to take measures to both mitigate and adapt to them; the City also acknowledges that green infrastructure tempers warming, sequesters carbon and helps to absorb storm water. It is recognized that the biologic integrity of the natural environment, on which residents depend for survival and the natural and functional beauty of our surroundings, which affect the quality of our life experiences, must be protected with the full cooperation and participation of all the people of the City working in partnership with local, state and federal officials and with various public and private institutions, agencies and organizations. Recognizing the effects of climate change, the preservation, enhancement, remediation, and utilization of the natural and man-made resources of the City, including its unique coastal area, must take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this

section is intended to achieve such a balance, permitting the beneficial use of natural resources while preventing: loss of living estuarine and riparian resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline and stream-banks; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; encroachment on such other lands owned by the City that would negatively impact its drinking water sources; or permanent adverse changes to ecological systems.

Establishment of a Conservation Advisory Council is a necessary step in fostering coordinated action on environmental issues. It is essential that the City Council designate one entity for coordinating and communicating, in a timely manner, all relevant information on the natural environment among the Planning Board, Zoning Board of Appeals, City Counsel, City Manager, Corporation Counsel, City Engineer, Water Department, Department of Public Works, City Planner, Architectural Review Commission, the Arborist, Code Compliance Bureau, and Building Inspector.

Section 159-3: Definitions

As used in this section, the following terms shall have the meanings indicated:

ACTIONS - Action as defined in NYCRR §617.2(b).

AGENCY - Any board, agency, department, office, other body or any officer of the City of Newburgh.

ARBORIST - The professional retained by the City to perform services with regard to the selection, identification, treatment and removal of trees.

COASTAL ASSESSMENT FORM (CAF) - The form contained in Appendix A, used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT - That the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - The Local Waterfront Revitalization Program is both a plan and a program. The term refers to both the planning document prepared by the City, as well as the program established to implement the plan. The LWRP contains the City's policies and recommendations, consistent with the coastal management policies of the state, to promote beneficial waterfront development enhanced by or dependent of the City's waterfront resources and in balance with protection of its natural coastal resources. The Local Waterfront Revitalization Program of the City of Newburgh, approved by the

Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law Article 42), is on file in the office of the Clerk of the City of Newburgh.

NATURAL RESOURCE INVENTORY - A compilation of the natural resources of the City including locations appropriate for expansion of natural resources, areas appropriate for green infrastructure, and open areas, as defined by N.Y. Gen. Mun. Law § 239(y), and of the ownership, present use and proposed use of such areas, described and listed according to the priority of preservation. This compilation shall be maintained in a useable format; the primary purpose of the Natural Resource Inventory is to provide data that can provide a basis for municipal planning to maintain or enhance the conservation of natural or scenic resources.

OPEN SPACE MAP - A visual and geographically accurate representation of the natural resources and open areas contained in the Natural Resource Inventory that has been accepted and approved by the City Council.

PARK - All public parks that have individual names.

PUBLIC AREAS - All other grounds owned by the City of Newburgh, County of Orange.

PUBLIC TREES - All shade and ornamental trees growing in the City's right-of-way, parks or any public areas where otherwise indicated.

SEQRA - The New York State Environmental Quality Review Act requires local legislatures and land use agencies to consider, avoid, and mitigate significant environmental impacts of the projects that they approve, the plans or regulation they adopt, and the projects they undertake directly.

SHRUB - Woody plants with many more or less erect stems.

SIGNIFICANT ACTIONS - An action that may have a significant adverse impact on the environment as determined under NYCRR §617.7.

STREET AND RIGHT-OF-WAY - The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular or pedestrian traffic.

TREE - All woody plants having one well-defined stem or a more or less definitely formed crown and attaining a height of at least 15 feet and a diameter of not less than two inches at maturity.

WATERFRONT AREA - That portion of New York State coastal waters and adjacent shorelands, as defined in Article 42 of the Executive Law, which is located within boundaries of

the City of Newburgh, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the City of Newburgh Local Waterfront Revitalization Program.

Section 159-4: Conservation Advisory Council

A. A Conservation Advisory Council is created and shall be hereafter known as the "Conservation Advisory Council of the City of Newburgh." The Conservation Advisory Council is authorized to review materials and make recommendations to appropriate agencies regarding the development, management, and protection of the City's natural resources, designated in the Natural Resource Inventory, including, but not limited to, coastal resources, the City's drinking water sources, and City trees, as well as make recommendations on the consistency of actions proposed within the City's waterfront area according to LWRP policy standards and conditions. The Conservation Advisory Council shall be charged with the duties as set forth in this section.

B. The City Council of the City of Newburgh is hereby authorized to appoint seven persons to said Conservation Advisory Council, all of whom shall be residents of the City of Newburgh. Of the members of the Conservation Advisory Council first appointed, three shall hold office for a term of one year and four for terms of two years from and after their appointment. Their successors shall be appointed for terms of two years from and after the expiration of the terms of their predecessors in office. Members may be removed by the City Council for cause and after public hearing. Vacancies shall be filled by the City Council by appointment for the unexpired term.

C. The City Council shall annually appoint one Conservation Advisory Council member to serve as Chairperson of the Committee. The current chair shall continue to serve until a replacement is appointed. The members of the Conservation Advisory Council may recommend the Chairperson to the City Council for their consideration.

D. The Conservation Advisory Council may employ or retain such persons or firms as may be needed as authorized by the City Council.

E. The Conservation Advisory Council shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.

F. The members of the Conservation Advisory Council shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

G. The Conservation Advisory Council shall advise various City agencies on greening the City's infrastructure and matters affecting the preservation, development, and use of the lands listed in the Natural Resource Inventory and shown on the Open Space Map and natural features and conditions of such lands in the City insofar as aesthetics, quality, biologic integrity, and other environmental factors are concerned, including, in the case of human activities and developments,

with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the City.

H. The Conservation Advisory Council shall study problems and identify the needs of the City of Newburgh in connection with stormwater management, green infrastructure, sustainability and watershed protection. The Conservation Advisory Council will also make recommendations to the City Council as to desirable policy, promotion activities, and legislation concerning urban forestry and tree maintenance program.

I. The Conservation Advisory Council shall develop and conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions. The Conservation Advisory Council shall include information regarding the selection, planting and maintenance of trees within the corporate limits.

J. The Conservation Advisory Council shall conduct studies, surveys and inventories of the natural and man-made features within the City to create a Natural Resource Inventory and Open Space Map using a computer-based geographic information system (GIS) as may be necessary to carry out the general purposes of this section.

K. The Conservation Advisory Council shall maintain an up-to-date Natural Resource Inventory and Open Space Map for the City of Newburgh.

L. The Conservation Advisory Council shall be authorized to coordinate, assist and unify the efforts of private groups, institutions and individuals with the City in accord with the purposes of this section.

M. The Conservation Advisory Council shall communicate and act as liaison with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Conservation Advisory Council.

N. The Conservation Advisory Council shall obtain and maintain in an orderly timely fashion maps, reports, books and other publications to support the necessary research of the Conservation Advisory Council into local environmental conditions in a space within a municipal building with a designated phone number, mailbox, email address, access to a photocopy machine, printer, fax machine, scanner, and a City computer configured with the City's GIS system.

O. The Conservation Advisory Council shall further assist the City in the development of sound environmental planning and ensure preservation of natural and scenic resources on the local level throughout the City and City-owned land as follows:

(1) Review each proposed application for action by the City Council, Planning Board, and Zoning Board of Appeals which seeks approval for the use or development of open space and natural resources. In the event an application is located within the Local Waterfront Revitalization Area, the Conservation Advisory Council shall issue an advisory consistency recommendation in accordance with the LWRP policy standards and conditions set forth in Section 159-5.3(G). The Building Inspector shall not approve applications for sidewalk repair or replacement unless the applicant has obtained a recommendation from the Conservation Advisory Council.

(2) Submit a written report promptly to the referral body after receipt by the Conservation Advisory Council of such application, so that the referral body will have the report prior to substantive consideration of the application, but in no event later than 30 days after receipt by the Conservation Advisory Council of such application. If the Conservation Advisory Council fails to report within such 30-day period, the referring body may take final action on the proposed action without such report. Such report shall evaluate the proposed use or development of the open space in terms of the environmental planning objectives of the City and shall include the effect of such use or development on the City's environment. The report shall make recommendations as to the most appropriate use or development of the applicable open space and may include recommendations of preferable alternative uses consistent with open space conservation. A copy of every report shall be filed with the City Council.

(3) Make available for public inspection at the office of the Conservation Advisory Council and on the City's website copies of all such reports of the Conservation Advisory Council.

(4) Nothing herein shall prevent the City Council or other City agency or department from requesting advice from the Conservation Advisory Council.

P. Working in cooperation with the Planning Board, a designated member of the Conservation Advisory Council shall attend Planning Board meetings and provide to the Planning Board the Conservation Advisory Council's recommendations concerning features, plans and programs relating to environmental planning. The Conservation Advisory Council shall also review industrial, commercial, institutional and subdivision proposals for their environmental impact, and similarly recommend to the City Council appropriate and desirable changes in existing local laws and ordinances relating to environmental conservation or recommend new local laws and ordinances. When appropriate, the CAC shall provide a similar function to other boards and agencies in the City of Newburgh.

Q. The Conservation Advisory Council shall advise and make recommendations to the Superintendent of Public Works as to:

- (1) The planting of new, pruning and removal of trees, including advice on City infrastructure to maximize tree survival and minimize damage to City and community property.
- (2) The type and kind of trees to be planted upon such municipal streets or parts of municipal streets or in parks as are designated or requested.
- (3) Applications for the planting of shade or ornamental trees with the purpose of populating the City of Newburgh with desirable tree types.
- (4) Proposed street or sidewalk reconstructions to recommend whether such actions would result in the planting of new, replacement, or removal of trees, to recommend whether such replacement and removal is necessary and to recommend the type and kind of tree, if any, with which such trees should be replaced.
- (5) Implementation and incorporation of a qualified Tree Maintenance Program meeting state-funding requirements.
- (6) Funding and training opportunities for tree maintenance and plantings and green infrastructure techniques.

R. The Conservation Advisory Council shall hold regular and special meetings at which the subject of trees and vegetation, urban forestry, and green infrastructure, inasmuch as it relates to the City of Newburgh, may be discussed by the Commissions, City officials and employees, and all others interested in such programs.

S. The Conservation Advisory Council may advise the Superintendent of Public Works, the Engineering Department, and the Water Department, as to stormwater management relating to green infrastructure.

T. The Conservation Advisory Council may act as an Interested Agency, representative of the City's environmental concerns, by commenting on actions outside of the City that may impact the City's drinking water resources that are subject to SEQRA review. Notice of such action shall be referred to the Conservation Advisory Council.

U. The Conservation Advisory Council shall advise the City Manager, the City Council and the Recreation Department with respect to the maintenance of all parks, playgrounds, recreation fields, swimming pools and other recreational facilities.

V. The Conservation Advisory Council shall keep accurate records of its meeting and actions and shall file an annual report with the City Council on or before the thirty-first day of December of

each and every year. Once approved by the City Council, the annual report shall be forwarded to the state commissioner of environmental conservation.

Section 159-5: Waterfront Consistency Review Law

Section 159-5.1 Title.

This section will be known as "Section 159-5 of the Code of Ordinances" and shall be entitled "The City of Newburgh Waterfront Consistency Review Law."

Section 159-5.2 Authority and purpose.

A. This section is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).

B. The purpose of this section is to provide a framework for agencies of the City of Newburgh to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.

C. It is the intention of the City of Newburgh that the preservation, enhancement, and utilization of the natural and man-made resources of the unique coastal area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this section is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

D. The substantive provisions of this section shall only apply while there is in existence a City Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 159-5.3 Review of actions.

A. Whenever a proposed action is located in the City's waterfront area, an agency shall, prior to approving, funding, or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G herein. When multiple agencies are reviewing the same proposed action in the City's waterfront area, the Planning Board shall be designated to perform the coastal consistency determination. In the case that the Planning Board is not a reviewing agency, the Zoning Board of Appeals shall be designated to make a coastal consistency determination.

B. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or, in the case of a direct action, the agency, shall prepare a coastal assessment form (CAF) to assist in the consistency review of the proposed action.

C. If the proposed action is located in the City's waterfront area, the agency responsible for the LWRP consistency determination shall seek an advisory consistency recommendation from the Conservation Advisory Council. In such case the agency shall forward applications promptly, and include sufficient additional information, such as the CAF, as is necessary for the Conservation Advisory Council to make an advisory recommendation of coastal consistency. The agency referring the application, prior to making its determination, shall consider the recommendation of the Conservation Advisory Council with reference to the consistency of the proposed action. In the event that the Conservation Advisory Council recommendation is not forthcoming within 30 days following referral of the application, the agency responsible for the LWRP consistency determination shall make its decision without the benefit of the Conservation Advisory Council recommendation.

D. After referral from an agency, the Conservation Advisory Council shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection G herein. The Conservation Advisory Council may request an applicant submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.

E. Recommendation.

(1) The Conservation Advisory Council shall render its written recommendation to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the Conservation Advisory Council and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Conservation Advisory Council, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate, in writing, the basis for its opinion.

(2) The Conservation Advisory Council shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

(3) In the event that the Conservation Advisory Council recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Conservation Advisory Council recommendation.

F. The agency shall make the determination of consistency based on the CAF, the Conservation Advisory Council recommendation, when applicable, and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within 30 days following receipt of any additional required information required from the applicant and the Coastal Advisory Council's recommendation. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this section.

G. Actions to be undertaken within the coastal waterfront and LWRP area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the City of Newburgh LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy:

- (1) To restore and revitalize deteriorated and underutilized waterfront areas (Policies 1, 1A, 1B, 1C, 1D and 1E).
- (2) To retain and promote commercial and recreational water-dependent uses (Policy 2).
- (3) To strengthen economic base of smaller harbor areas by encouraging traditional uses and activities. (Policies 4 and 4A).
- (4) To ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
- (5) To streamline development permit procedures (Policy 6).
- (6) To protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 8 and 8A).
- (7) To maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 9A and 10).
- (8) To minimize flooding and erosion hazards through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 11A, 12, 13, 14, 16, 17 and 28).
- (9) To safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policies 18 and 18A).

(10) To maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 20, 20A, 21, 21A, 21B, 22 and 22A).

(11) To protect and restore historic and archeological resources (Policies 23 and 23A).

(12) To protect and upgrade scenic resources (Policy 25).

(13) To site and construct energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29 and 40).

(14) To prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).

(15) To protect surface water and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 33, 34, 35, 36, 36A, 37 and 38).

(16) To perform dredging and dredge spoil in a manner protective of natural resources (Policies 15 and 35).

(17) To handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policies 39 and 39A).

(18) To protect air quality (Policies 41, 42 and 43).

(19) To protect freshwater wetlands (Policy 44).

H. Inconsistency; findings.

(1) If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

(a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;

(b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

(c) The action will advance one or more of the other LWRP policy standards and conditions; and

(d) The action will result in an overriding City, regional or statewide public benefit.

(2) Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

I. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Conservation Advisory Council. Such files shall be made available for public inspection upon request.

Section 159-5.4 Enforcement.

The City Building Inspector shall be responsible for enforcing this Section. No work or activity on a project in the waterfront area which is subject to review under this section shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the City's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this section or any conditions imposed hereunder, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

Section 159-5.5. Penalties for offenses.

A. A person or entity who violates any of the provisions of or who fails to comply with any conditions imposed by this section shall have committed a violation, punishable by a fine of \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

B. The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this section. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

Section 159-6: Tree Protection

Section 159-6.1. Planting of trees.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, park or public right-of-way area without first obtaining a permit from the Superintendent of Public Works and complying with the following requirements: such permit shall be granted upon the determination of the Superintendent of Public Works, after consulting with the Police Department and the Conservation Advisory Council, that such a planting will not create a traffic hazard and will not interfere with the use of such a street, park, or public area by the public, that such planting will enhance the beauty and appearance of the street, park or public area and the surrounding area, and that such planting meets the goals and objectives of the City with regard to green infrastructure and urban forestry objectives. The Conservation Advisory Council may also consult with any other City department which may provide information relating to the planting of the tree.

(1) Trees planted within the limits of any public street, park or public area shall be of the species and quality approved by the Conservation Advisory Council and shall be planted at least 30 feet apart unless otherwise authorized by the Superintendent in consultation with the Conservation Advisory Council and Arborist. Each tree planted shall measure not less than 2 inches nursery caliper.

(2) Should any tree, shrub or plant planted within the limits of any public street, park or public area, in the opinion of the Superintendent of Public Works, after consultation with the Police Department, the Arborist and the Conservation Advisory Council, at any time constitute a traffic hazard, interfere with the use of such street, park or public area by the public or detract from the beauty and appearance of the street, park or public area or the surrounding area, such tree, shrub or plant will be pruned or removed as necessary.

Section 159-6.2. Authority of Superintendent of Public Works.

The general care, pruning and maintenance of all trees and shrubs planted within the limits of any public street or public place shall be vested in the Superintendent of Public Works.

Section 159-6.3. Permit for treating public trees.

No shade or ornamental tree or shrub in any public street, park or public area in the City shall be cut, pruned, broken, climbed, injured, sprayed, cabled, fertilized, treated, damaged, destroyed or removed, nor shall the roots, stems, branches or leaves of any such tree or shrub be cut, broken or otherwise disturbed until or unless a permit therefor has been approved by the Superintendent of Public Works. Such a permit is not necessary for the usual periodical removal of small branches to

allow the free passage of wires, but any such work will be subject to the inspection of the Superintendent of Public Works and, where such work is not up to standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

Section 159-6.4. Tampering with trees.

No person not duly authorized by the Superintendent of Public Works shall place any rope, sign, poster or other fixture on either a tree or guard thereof standing in the public street, park or public area or damage, misuse or remove any device placed to protect such tree or shrub.

Section 159-6.5. Injuries to public trees.

A. No person shall pour salt water or other injurious chemicals upon any public highway or place within the City in such a way as to injure any tree planted or growing thereon.

B. No horse or other animal shall be permitted to stand in any public street, park or public area within the City in such a manner or position that it may cut, deface or mutilate any tree or shrub standing thereon.

C. In the erection or repair of any building or structure, the owner thereof shall place such guards around all nearby trees standing in any public street, park or public area to effectually prevent injury thereto. To the extent possible, the guards shall be placed at a minimum standard for 1.0 foot radius for each diameter inch of tree.

Section 159-6.6. Use of spurs, insulated wires and guy wires.

A. Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs.

B. Any wires of the public utilities passing among the branches of City trees shall be properly insulated so as to prevent damage to said trees.

C. No person shall, without the written permission of the Superintendent of Public Works, attach any electrical or other wire, insulators or any device for the holding of an electric or other wire to any tree growing or planted upon any public street, park or public area, nor shall the approved attachments be attached to the tree in such a manner as to girdle or restrict growth.

Section 159-6.7. Discontinuance of electric current during work on trees and shrubs.

Every person having any wire charged with electricity extending over a public street, park or public area within the City shall, upon written notice from the Superintendent of Public Works, temporarily remove such wire or discontinue the transmission of the electric current through the same when necessary for the safety of workmen engaged upon the trees or shrubs growing on such public street, park or public area. The work of removing such wire or ceasing of the transmission of electricity through it shall be completed within 24 hours after the service of a written notice by said Superintendent making such request.

Section 159-6.8. Interference with work prohibited.

No person shall prevent, delay or interfere with the Superintendent of Public Works or any of his employees in the planting, pruning, spraying, removing or otherwise treating of any tree or shrub standing or growing in the public street, park or public area within the City or in the removal of stone, cement or other substance about the trunk of any such tree or shrub which, in the opinion of said Superintendent, tends to retard its growth.

Section 159-6.9. Prohibited planting of trees.

Property owners and other persons are prohibited from planting silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, sidewalk, park or public place.

Section 159-6.10. Permit for removal of trees.

A. No person shall remove a tree greater than eight inches in diameter, measured 54 inches from the base of said tree, in an historic district, without first having a tree removal permit approved by the Superintendent of Public Works.

B. The Superintendent of Public Works is authorized and empowered to obtain the assistance of the Arborist or other persons professionally trained and experienced in tree planting, preservation and landscaping.

Section 159-6.11. Removal of branches overhanging public areas.

Where privately owned trees encroach upon any public street, park or public area, the Superintendent of Public Works or the Building Inspector may serve, personally or by mail, upon the owner of such property, a written notice to trim the encroaching branches. If such owner fails to comply with such notice, the City may abate such condition and assess a lien against the property for the costs of such abatement, together with an administrative fee of 15%, pursuant to the procedures set forth in Chapter 226 of the City Code.

Section 159-6.12. Removal of dead trees.

Where any dead tree or trees located on private property adjacent to a public street, park or public area constitute a danger or are potentially dangerous to the traveling public, the Superintendent of Public Works or Building Inspector may serve personally or by mail upon the owner of such property a written notice to remove the dead tree. If such owner fails to comply with such notice, the City may abate such condition and assess a lien against the property for the costs of such

abatement, together with an administrative fee of 15% pursuant to the procedures set forth in Chapter 226 of the City Code.

Section 159-6.13. Protected trees.

A. A tree may be designated as protected by the Architectural Review Commission after consultation with the CAC and a public hearing. Such designation may be made because of the tree's age, history, uniqueness or special beauty. Such designation may be made anywhere within the limits of the City. No protected tree designation may be made without written consent of the tree's owner.

B. Trees designated as protected may not be removed unless the Superintendent of Public Works, as advised by the Arborist, determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved.

Section 159-6.14. Penalties for offenses.

A. Whenever any tree or trees are removed, cut down, damaged or destroyed in violation of this chapter, the removal, cutting, damaging or destroying of each and every tree shall be construed as a separate and independent offense. Any person, firm or corporation violating any of the provisions of this chapter will be required to replace in kind each and every tree removed, cut down or destroyed. If the tree was so large and so mature that it cannot be replaced, the Superintendent of Public Works may require the planting of multiple trees. If multiple trees cannot be planted on the site of the violation, other available planting spaces on public property will be used to accommodate the balance of the penalty. No certificate of occupancy shall be issued for any new construction on property on which occurred any violation of this chapter unless and until the provisions of this subsection have been complied with.

B. In addition to any other penalty, any person, firm or corporation or the individual hired by such person, firm or corporation violating any provision of this chapter shall be subject to prosecution as a violation and, upon conviction, shall subject the violator to penalties prescribed by § 1-12 of the City Code of Ordinances or shall be subject to a civil penalty of \$500, collectable by the City in a civil action, and shall be subject by an action in a court of competent jurisdiction to compel compliance or to restrain by injunction, notwithstanding the fact that the above penalties are also provided for, sought or imposed for such violation.

C. In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this chapter may be denied the status of a permittee under this chapter for a reasonable period of time to ensure future compliance, in the discretion of the Superintendent of Public Works, subject to appeal to the City Manager.

Section 159-6.15. Enforcement.

The Superintendent of Public Works and the Building Inspector, with the assistance of the police, shall enforce this Section.

Section 159-7 Severability

The provisions of this section are severable. If any provision of this section is found invalid, such finding shall not affect the validity of this section as a whole or any part of provision hereof other than the provision so found to be valid.

Section 159-8 Effective Date

This Local Law shall take effect on October 1, 2013.

ORDINANCE NO.: 10 - 2013

OF

AUGUST 19, 2013

AN ORDINANCE TO AMEND CHAPTER 300 ENTITLED "ZONING"
AND TO AMEND CHAPTER 234, ENTITLED "PROPERTY DAMAGE"
OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
TO CONFORM TO THE CREATION OF A CONSERVATION ADVISORY COUNCIL
IN THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 248 and Chapter 300 of the Code of Ordinances shall be amended as follows:

Section 1: Chapter 248: Property Damage

Section 234-8. Property owners' responsibilities.

D. Nothing herein shall be deemed to relieve any property owner from the continuing and ongoing obligation to comply with all provisions of all applicable codes, rules and regulations, including those of the State of New York and of the City of Newburgh. This obligation shall include compliance with the requirements of the City Code, and the Codes Compliance Supervisor, and of the Building Inspector, and of the Planning Board, and Zoning Board of Appeals, and if the property is located in the Historic District with the design standards and with the requirements of the Architectural Review Committee applicable thereto, and if the property is located in the Waterfront District with the design standards and with the local waterfront revitalization plan and with the requirements of the Conservation Advisory Council Waterfront Advisory Committee authorized by law and applicable thereto.

Section 2: Chapter 300: Zoning

Section 300-20. Uses in W-1 and W-2 Districts.

A. Incentive zoning; reduction in building coverage. The maximum building coverage of any use that abuts the Hudson River may be increased by 15% if said use provides some type of public access, such as but not limited to a marina whose boat slips are available for public rental, a public park or plaza area or an appropriate improved walkway having a width of at least 12 feet along the

Underlining denotes additions

~~Strikethrough~~ denotes deletions

entire frontage of the subject property on the water in order to permit public pedestrian access. The access plans shall be approved by the Planning Board with advice from the Conservation Advisory Council Waterfront Advisory Committee, and the access shall be available for public use under a mutually agreeable arrangement between the City and the property owner. The agreement between the City and the property owner will define where responsibility for insurance for that portion of the property over which an easement is granted for public use will be. Public access shall be dedicated in the form of a nonextinguishable public easement or other form of ownership satisfactory to the City Council.

B. Incentive zoning; reduction in off-street parking requirement. The off-street parking requirement of any use that abuts the Hudson River within the W-1 and W-2 Zoning Districts may be reduced by 30% if said use provides some type of public access, such as but not limited to a marina whose boat slips are available for public rental, a public park plaza area or an appropriate improved walkway having a width of at least 12 feet along the entire frontage of the subject property on the water in order to permit public pedestrian access. The access plans shall be approved by the Planning Board with advice from the Conservation Advisory Council Waterfront Advisory Committee, and the access shall be available for public use under a mutually agreeable arrangement between the City and the property owner. The agreement between the City and the property owner will define where responsibility for insurance for that portion of the property over which an easement is granted for public use will be. Public access shall be dedicated in the form of a nonextinguishable public easement or other form of ownership satisfactory to the City Council.

C. Public access requirement for uses abutting the Hudson River or Quassaick Creek (hereinafter also referred to as "waterways"). The provisions of this section apply to special uses in the W-1 and W-2 Zoning Districts.

(1) Public access required. Public access shall be provided to said waterways, such as, but not limited to, a marina at least a portion of whose boat slips are available for public rental, park or plaza area, or an improved walkway of at least 20 feet in width along the entire frontage of the property on said waterways in order to permit pedestrian access. The access plans shall be approved by the Planning Board after review by the Conservation Advisory Council Waterfront Advisory Committee pursuant to Chapter 159-5 of the Code of Ordinances, and the access shall be dedicated for public use and maintained in the same manner as provided in the Charter of the City for dedication and maintenance of public streets or sidewalks.

Section 300-32. Uses and development.

B. Architectural Review Commission and Planning Board visual site plan standards and procedures.

Underlining denotes additions

~~Strikethrough~~ denotes deletions

(1) Visual plan submission.

(a) When the Building Inspector receives an application to permit the erection of a building or structure, exterior reconstruction, restoration, alteration, demolition or permanent improvement in the View Preservation District which will impact a defined view plane, the Building Inspector shall require the applicant to submit a visual environmental assessment form (VEAF) and plan elevation in accordance with the requirements of this chapter. The application, together with the VEAF and plan elevation, shall be referred to the Architectural Review Commission in regard to properties within the City of Newburgh Historic District or to the Planning Board in regard to properties located outside the Historic District. The Architectural Review Commission or Planning Board shall evaluate the proposed activity so as to avoid impairment or significant loss of scenic public views of the Hudson River, Hudson Highlands and East Bank of the Hudson River. ~~To assist in the evaluation, the Waterfront Advisory Committee shall provide the Architectural Review Commission or the Planning Board with a written advisory opinion and recommendation concerning the impact of the proposed activity upon such views. If the Waterfront Advisory Committee fails to submit an advisory opinion within 30 days after the submission of the VEAF and elevation plan to it, the Architectural Review Commission or Planning Board may act without such opinion from the Waterfront Advisory Committee.~~

(2) Visual analysis procedures and standards. The Architectural Review Commission and the Planning Board ~~and the Waterfront Advisory Committee~~ shall be governed by the following standards and procedures in rendering a visual site plan approval or an opinion and recommendation, respectively.

(b) The Architectural Review Commission or Planning Board ~~and the Waterfront Advisory Committee~~ shall, where appropriate, utilize the following siting considerations:

(c) The Architectural Review Commission or Planning Board ~~and the Waterfront Advisory Committee~~ shall, where appropriate, utilize the following scale considerations:

(d) The Architectural Review Commission or Planning Board ~~and the Waterfront Advisory Committee~~ shall, where appropriate, utilize the following landscaping considerations:

Underlining denotes additions

~~Strikethrough~~ denotes deletions

Section 300-35. Special uses.

A. Power. The Planning Board shall have the power to hear and decide on applications to permit the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if such uses are designed and laid out on the site in a particular manner, provided that this chapter otherwise permits such uses subject to the validation of the Planning Board.

B. Conditions to be fulfilled. In applying for a special use permit, the applicant need not demonstrate hardship, since the basis for the action is general benefit to the City as a whole. In granting a special use permit, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the same is located, the Master Plan, the Local Waterfront Revitalization Program (LWRP) and any relevant urban renewal plans, shall find all of the following general conditions to be fulfilled:

(5) Consistency with policies.

(a) The special use, if undertaken within the waterfront area, will be consistent with the LWRP policies, standards and conditions, which are derived from and further explained and described in Section III of the City of Newburgh LWRP.

(b) If the proposed action is determined to have a positive declaration of significance after SEQRA review ~~The~~ Planning Board will consider the recommendations of the Conservation Advisory Council ~~Waterfront Advisory Committee~~ when determining consistency with the above policies.

Section § 300-36. Procedures.

The powers and duties of the Planning Board shall be exercised in accordance with the procedures set forth in this article plus the following additional procedures:

~~I. Waterfront Advisory Committee. Whenever a request for a special use permit involves a use to be located within the City's waterfront districts, the Planning Board shall refer a copy of a completed coastal assessment form (CAF) to the Waterfront Advisory Committee within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action as set forth in Chapter 296 of the Code of the City of Newburgh, known as the "City of~~

Underlining denotes additions

~~Strikethrough~~ denotes deletions

~~Newburgh Waterfront Consistency Review Law." In the event that the Waterfront Advisory Committee recommendation is not forthcoming within 30 days following referral of the CAF, the Planning Board shall make its decision without the benefit of the Waterfront Advisory Committee recommendation.~~

I. Waterfront Consistency Review. Whenever a request for a special use permit involves a use to be located within the City's waterfront districts, the Planning Board shall determine the consistency of the proposed action as set forth in Chapter 159-5 of the Code of the City of Newburgh, known as the "City of Newburgh Waterfront Consistency Review Law." The Planning Board shall refer a copy of a completed coastal assessment form (CAF) and other appropriate application materials to the Conservation Advisory Council within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Conservation Advisory Council with reference to the consistency of the proposed action. In the event that the Conservation Advisory Council recommendation is not forthcoming within 30 days following referral of the CAF, the Planning Board shall make its decision without the benefit of the Conservation Advisory Council recommendation.

Section 300-80. Procedures.

The powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the procedures set forth in this article plus the following additional procedures:

~~J. Waterfront Advisory Committee. Whenever a request for appeal or application for variance involves the City's waterfront area, the Zoning Board of Appeals shall refer a copy of a completed coastal assessment form (CAF) to the Waterfront Advisory Committee within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action as set forth in Chapter 296 of the Code of the City of Newburgh, known as the "City of Newburgh Waterfront Consistency Review Law." In the event that the Waterfront Advisory Committee recommendation is not forthcoming within 30 days following referral of the CAF, the Zoning Board of Appeals shall make its decision without the benefit of the Waterfront Advisory Committee recommendation.~~

J. Waterfront Consistency Review. Whenever a request for appeal or application for variance involves the City's waterfront area, the Zoning Board of Appeals shall determine the consistency of the proposed action as set forth in Chapter 159-5 of the Code of the City of Newburgh, known as the "City of Newburgh Waterfront Consistency Review Law." The Zoning Board of Appeals shall refer a copy of a

Underlining denotes additions

~~Strikethrough~~ denotes deletions

completed coastal assessment form (CAF) and other appropriate application materials to the Conservation Advisory Council within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Conservation Advisory Council with reference to the consistency of the proposed action. In the event that the Conservation Advisory Council recommendation is not forthcoming within 30 days following referral of the CAF, the Planning Board shall make its decision without the benefit of the Conservation Advisory Council recommendation.

Section 3: This ordinance shall take effect on October 1, 2013.

Underlining denotes additions
~~Strikethrough~~ denotes deletions