



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
SESION GENERAL DEL CONSEJAL

November 23, 2020
7:00 PM

Mayor/Alcaldesa

1. Moment of Silence / Momento de Silencio
2. Pledge of Allegiance/ Juramento a la Alianza

City Clerk:/Secretaria de la Ciudad

3. Roll Call/ Lista de Asistencia

Communications/Comunicaciones

4. Approval of the Minutes of the City Council Meeting on November 9, 2020
5. City Manager Update/ Gerente de la ciudad pone al día a la audiencia de los planes de cada departamento

Comments from the public regarding agenda and general matters of City Business/Comentarios del público con respecto a la agenda y sobre asuntos generales de la Ciudad.

City Manager's Report/ Informe del Gerente de la Ciudad

6. Resolution No. 280 - 2020 - Agreement with ACA Environmental Services, Inc.

Resolution amending Resolution No. 235-2020 of October 13, 2020 and authorizing the City Manager to accept a proposal and execute an agreement with ACA Environmental Services, Inc. in an amount not to exceed \$21,935.00 for abatement and removal of asbestos containing material at 125-129 Grand Street.

Resolución que enmienda la Resolución No. 235-2020 del 13 de octubre de 2020 y autoriza al Gerente de la Ciudad a aceptar una propuesta y ejecutar un acuerdo con ACA Environmental Services, Inc. por un monto que no exceda \$21,935.00 para la eliminación y extracción de materiales que contienen asbestos en la 125-129 de la Calle Grand.

7. Resolution No. 281 - 2020 - Certifying base percentages, base proportions & adjusted base proportions under RPTL Article 19
Resolution to certify the base percentages, current percentages, current base proportions and adjusted base proportions under the Homestead Option of Article 19 of the Real Property Tax Law of the State of New York.

Resolución para certificar los porcentajes de base, porcentajes actuales, proporciones de base actual y proporciones de base ajustadas bajo la Opción de Propiedad del Artículo 19 de la Ley de Impuestos de Bienes Raíces del Estado de Nueva York.
8. Resolution No. 282 - 2020 - Adopting the FY2021 budget
Resolution adopting the Budget for the Fiscal Year 2021.

Resolución que adopta el Presupuesto para el Año Fiscal 2021.
9. Resolution No. 283 - 2020 - Elected Officials Benefit Policy
Resolution adopting the City of Newburgh Elected Officials Benefit Policy.

Resolución que adopta la Póliza de Beneficios para Oficiales Electos en la Ciudad de Newburgh.
10. Resolution No. 284 - 2020 - To enter into agreement with Seamlessgov
Resolution authorizing an agreement with Bizodo, Inc. (D/B/A SeamlessDocs, Inc.) for online fillable portable document format ("PDF") services for a three year term at a total cost of \$41,145.00.

Resolución que autoriza un acuerdo con Bizodo, Inc. (D/B/A SeamlessDocs, Inc.) para servicios de formato de documentos portátil rellenable en línea ("PDF") por un término de tres años por un costo total de \$41,145.00.
11. Resolution No. 285 - 2020 - Release of Restrictive Covenants for 45 Concord Street
Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to 45 Concord Realty Partners, LLC to the premises known as 45 Concord Street (Section 29, Block 1, Lot 12).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso por un título emitido a 45 Concord Realty Partners, LLC a las instalaciones conocidas como la 45 de la Calle Concord (Sección 29, Bloque 1, Lote 12).
12. Resolution No. 286 - 2020 - Release of Restrictive Covenants for 44

Hasbrouck Street

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Hasbrouck Equities LLC to the premises known as 44 Hasbrouck Street (Section 38, Block 3, Lot 50).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a Hasbrouck Equities LLC para las instalaciones conocidas como la 44 de la Calle Hasbrouck (Sección 38, Bloque 3, Lote 50).

13. Resolution No. 287 - 2020 - Partial Release of Restrictive Covenants for 412 Liberty Street

Resolution authorizing the execution of a partial release of restrictive covenants and right of re-entry from a deed issued to Christopher Michael Manzione to the premises known as 412 Liberty Street (Section 10, Block 1, Lot 46).

Resolución que autoriza la ejecución de la liberación parcial de cláusulas restrictivas y derecho de reingreso de un título emitido a Christopher Michael Manzione para las instalaciones conocidas como la 412 de la Calle Liberty (Sección 10, Bloque 1, Lote 46).

14. Resolution No. 288 - 2020 - Release of Restrictive Covenants for 254 Liberty Street

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Hudson Todd, LLC to the premises known as 254 Liberty Street (Section 18, Block 6, Lot 26).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a Hudson Todd, LLC para las instalaciones conocidas como la 254 de la Calle Liberty (Sección 18, Bloque 6, Lote 26).

15. Resolution No. 289 - 2020 - Release of Restrictive Covenants for 112 Johnston Street

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to 65 Lander, LLC to the premises known as 112 Johnston Street (Section 18, Block 10, Lot 12).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a 65 Lander, LLC para las instalaciones conocidas como la 112 de la Calle Johnston (Sección 18, Bloque 10, Lote 12).

16. Resolution No. 290 - 2020 - Release of Restrictive Covenants for 252 First Street

Resolution authorizing the execution of a release of restrictive covenants and

right of re-entry from a deed issued to Michael Alexander to the premises known as 252 First Street (Section 22, Block 5, Lot 29).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a Michael Alexander para las instalaciones conocidas como la 252 de la Calle First (Sección 22, Bloque 5, Lote 29).

17. Resolution No. 291 - 2020 - 30 Roe Street - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to MO Properties LLC to the premises known as 30 Roe Street (Section 7, Block 11, Lot 14).

Resolución que autoriza la ejecución de la liberación de cláusulas restrictivas y derecho de reingreso de un título emitido a MO Properties, LLC para las instalaciones conocidas como la 30 de la Calle Roe (Sección 7, Bloque 11, Lote 14).

18. Resolution No. 292 - 2020 - Purchase of 394 Washington Street

Resolution to authorize the conveyance of real property known as 394 Washington Street (Section 34, Block 3, Lot 47) at private sale to Inocente Virginia Vidal Soriano for the amount of \$100,000.00.

Resolución que autoriza el traspaso de bienes raíces conocidas como la 394 de la Calle Washington (Sección 34, Bloque 3, Lote 47) en una venta privada a Inocente Virginia Vidal Soriano por el monto de \$100,000.00.

19. Resolution No. 293 - 2020 - Tax Foreclosed Property Liability Insurance Renewal

Resolution authorizing approval of a general liability insurance policy for City-owned tax foreclosed properties for the period of November 27, 2020 to November 26, 2021.

Resolución que autoriza la aprobación de la póliza de seguro de responsabilidad general para propiedades de la Ciudad con impuestos hipotecarios por el periodo de 27 de noviembre de 2020 al 26 de noviembre de 2021.

20. Resolution No. 294 - 2020 - To Schedule a Public Hearing and 5-Day Public Comment Period for a Substantial Amendment to the FY2019 Community Development Block Grant (CDBG) Annual Action Plan to accept a second allocation of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funding

Resolution scheduling a public hearing for December 14, 2020 and opening a 5-day comment period to hear public comment concerning a substantial amendment to the City of Newburgh CDBG FY2019 Annual Action Plan for a

second allocation of Coronavirus Aid, Relief, and Economic Security Act funding.

Resolución que programa una audiencia pública para el 14 de diciembre de 2020 y abre un periodo de comentario público de 5 días para escuchar comentarios públicos sobre una enmienda substancial al Plan de Acción Anual de CDBG AF2019 de la Ciudad de Newburgh bajo la Ley de Seguridad para una segunda asignación de Ayuda para Coronavirus, Alivio y Financiamiento Económico.

21. Resolution No. 295 - 2020 - Surplus Bicycles at the Police Department

Resolution declaring 22 bicycles as surplus and authorizing disposition to Individuals Making Positive Advancements in their Communities Together, Inc.

Resolución declarando 22 bicicletas como excedente y autorizando la Disposición a Individuos Haciendo Avances Positivos en sus Comunidades Juntos, Inc.

22. Resolution No. 296 - 2020 - Zoning Amendment - SEQRA Determinations

Resolution of the City Council of the City of Newburgh declaring itself Lead Agency, declaring the matter a Type I action, accepting Parts II and III of the Full Environmental Assessment Form, and issuing a Negative Declaration, all pursuant to the State Environmental Quality Review Act ("SEQRA") with respect to the adoption of a revision to Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh.

Resolución del Ayuntamiento de la Ciudad de Newburgh declarándose como Agencia Principal, declarando el tema una acción Tipo I, aceptando Partes II y III del Formulario de Evaluación Ambiental Completa y Emitiendo una Declaración Negativa, todo conforme al Acta de Revisión de Calidad Ambiental Estatal ("SEQRA") con respecto a la adopción de una revisión al Capítulo 300 titulado "Zonificación" del Código de Ordenanzas de la Ciudad de Newburgh.

23. Ordinance No. 10 - 2020 - Zoning Amendment - Amending Chapter 300 and Adopting Revised Zoning Map

Ordinance amending Chapter 300 entitled "Zoning" of the Code of Ordinances of the City of Newburgh and adopting a revised zoning map for the City of Newburgh.

Ordenanza que enmienda el Capítulo 300 titulado "Zonificación" del Código de Ordenanzas de la Ciudad de Newburgh y adoptando un mapa revisado de zonificación para la Ciudad de Newburgh.

24. Local Law No. 5 - 2020 - Amending City Charter Section C3.10 to establish term limits for elected officials

Local Law amending Section C3.10 entitled “Terms of Office” of the City Charter of the City of Newburgh to establish term limits for elected officials.

Ley Local que enmienda Sección C3.10 titulado “Términos de Oficina” del estatuto de la Ciudad de Newburgh para establecer los límites de términos de los oficiales electos.

25. Local Law 6 - 2020 - Amending City Charter Section C4.00 to increase the annual salary of the Mayor and Council Members

Local Law amending Section C4.00 entitled “Legislative Powers Fixed in Council” of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members.

Ley Local que enmienda Sección C4.00 titulado “Poderes Legislativos fijados en el Consejo” del estatuto de la Ciudad de Newburgh para incrementar el salario anual del Alcalde y los Miembros del Consejo.

Old Business: / Asuntos Pendientes

New Business: / Nuevos Negocios

Final Comments from the City Council/ Comentarios Finales del Ayuntamiento:

Adjournment/ Aplazamiento:

RESOLUTION NO.: 280 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AMENDING RESOLUTION NO. 235-2020 OF OCTOBER 13, 2020 AND
AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL AND
EXECUTE AN AGREEMENT WITH ACA ENVIRONMENTAL SERVICES, INC.
IN AN AMOUNT NOT TO EXCEED \$21,935.00 FOR
ABATEMENT AND REMOVAL OF ASBESTOS CONTAINING MATERIAL
IN THE 123 GRAND STREET IMPROVEMENTS PROJECT**

WHEREAS, the City of Newburgh is undertaking improvements to the Grand Street Courthouse building located at 123 Grand Street; and

WHEREAS, by Resolution No. 57-2020 of March 9, 2020, the City Council authorized a contract with Quality Environmental Solutions & Technologies, Inc. for pre-construction asbestos related services in connection with the 123 Grand Street Improvement Project; and

WHEREAS, the City solicited proposals from qualified contractors to complete asbestos abatement activities in the boiler room located at 123 Grand Street and by Resolution No. 235-2020 of October 13, 2020, the City Council authorized the City Manager to accept a proposal and execute a contract with Lucas Environmental Services, LLC to perform the work at a cost of \$19,337.00; and

WHEREAS, Lucas Environmental Services, LLC was unable fulfill the contract and ACA Environmental Services, Inc. submitted a proposal to perform the asbestos abatement, disposal, and restoration services in the boiler room at 123 Grand Street at the next lowest cost of \$21,935.00 with the funding to be derived from 2020 BAN H1.1120.0208; and

WHEREAS, the City Council has reviewed the proposal submitted by ACA Environmental Services, Inc. and has determined that amending Resolution No. 235-2020 of October 13, 2020 to authorize the City Manager to accept a proposal and execute a contract with ACA Environmental Services, Inc. for such work 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 that Resolution No. 235-2020 of October 13, 2020 is amended to authorize the City Manager to accept a proposal and execute an agreement with ACA Environmental Services, LLC for asbestos abatement and removal activities and related work at a cost of \$21,935.00 in connection with the 123 Grand Street Improvements Project.

RESOLUTION NO.: 235 - 2020

OF

OCTOBER 13, 2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE AN AGREEMENT WITH LUCAS ENVIRONMENTAL SERVICES, LLC
IN AN AMOUNT NOT TO EXCEED \$19,337.00 FOR
ABATEMENT AND REMOVAL OF ASBESTOS CONTAINING MATERIAL
IN THE 123 GRAND STREET IMPROVEMENTS PROJECT

WHEREAS, the City of Newburgh is undertaking improvements to the Grand Street Courthouse building located at 123 Grand Street; and

WHEREAS, by Resolution No. 57-2020 of March 9, 2020, the City Council authorized a contract with Quality Environmental Solutions & Technologies, Inc. for pre-construction asbestos related services in connection with the 123 Grand Street Improvement Project; and

WHEREAS, the City solicited proposals from qualified contractors to complete asbestos abatement activities in the boiler room located at 123 Grand Street and Lucas Environmental Services, LLC submitted a proposal for the work at the lowest cost; and

WHEREAS, the cost for the asbestos abatement, disposal, and restoration services in the boiler room at 123 Grand Street will be \$19,337.00, and funding shall be derived from 2020 BAN H1.1120.0208; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that such work would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Lucas Environmental Services, LLC for asbestos abatement and removal activities and related work at a cost of \$19,337.00 in connection with the 123 Grand Street Improvements Project.

I, Lorene Vitak, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 10/13/20
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 14 day of OCT, 2020

City Clerk

RESOLUTION NO.: 281 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION TO CERTIFY THE BASE PERCENTAGES, CURRENT
PERCENTAGES, CURRENT BASE PROPORTIONS AND
ADJUSTED BASE PROPORTIONS UNDER THE HOMESTEAD
OPTION OF ARTICLE 19 OF THE REAL PROPERTY TAX LAW OF
THE STATE OF NEW YORK**

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that this Council does hereby certify the base percentages, current percentages, current base proportions and the adjusted base proportions as set forth on the annexed certificates, pursuant to Article 19 of the Real Property Tax Law of the State of New York.

RESOLUTION NO.: 282 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION ADOPTING THE BUDGET
FOR THE FISCAL YEAR 2021**

WHEREAS, the City Manager, on October 13, 2020, submitted to the City Council of the City of Newburgh, New York, a detailed estimate, including the “Manager’s Proposed Fiscal Year 2021 Budget” and the “Manager’s Proposed Personnel Analysis Book” of same date, of revenues and expenditures necessary and proper for all municipal activities accounted for in the General, Water, Sewer, Sanitation and Self-Insurance Funds during the fiscal year of 2021; and

WHEREAS, such detailed estimates have been filed in the City Clerk’s Office as required by the Charter of the City of Newburgh so that said estimates may be inspected by anyone interested, and a public hearing was held on November 9, 2020 in reference to said estimates for any item thereof; and

WHEREAS, the Council has made such changes, alteration, corrections and amendments to the said budget as it appears to said Council to be proper, including incorporating such changes as deemed necessary in response to the New York State Office of the State Comptroller’s budget review report #B20-6-12 dated November 13, 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York does hereby approve, determine and adopts the budget for the year 2021 as appears in the annexed “City Council Adopted Fiscal Year 2021 Budget” on November 23, 2020; and

BE IT FURTHER RESOLVED, that the sum of \$22,184,692 be levied and raised on account of City taxes for the year 2021 on all the taxable property in the City of Newburgh according to the valuation of the last assessment roll of said City for State, County and City purposes, being \$719,465,792 for Homestead Properties and \$463,390,871 for Non-Homestead Properties, including special franchise assessments, in accordance with the Real Property Tax Law of the State of New York; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause said amount of \$22,184,692 to be extended and apportioned and adjusted on said assessment roll at \$15.677694 for Homestead Properties and \$23.533323 for Non-Homestead Properties on every \$1,000 of taxable real property, including special franchise assessments; and

BE IT FURTHER RESOLVED, that the required sewer, water and sanitation fees for the taxable and non-taxable properties for the year 2021 is as set forth in Section 163-1 of the City Code of Ordinances; and

BE IT FURTHER RESOLVED, that the City Collector is authorized and directed to cause any and all amounts reported as omitted taxes to be levied against the real property subject to said omitted taxes and to cause the amounts reported by the City Collector as overdue and unpaid water rents, sewer rents and sanitation user fees, and unpaid charges of property abatement, with the interest and penalties thereon, to be added to the tax levied against the real property for which or in connection with which such water, sewer and sanitation was provided; and

BE IT FURTHER RESOLVED, that said City tax roll shall be delivered to the City Collector on the 4th day of January 2021, signed by the City Manager and under the seal of the City, directing and commanding said City Collector to receive and collect in the manner provided by the law for the levying and collecting of County taxes by City Collectors, these several amounts in the roll specified as against the persons or property therein mentioned and described, and that said warrant shall direct the City Collector to collect said assessments in four equal installments as follows:

The first installment commencing on the 4th day of January 2021, and collect up to and including the 5th day of February 2021, without fees, and to add 5% from the 6th day of February 2021, up to and including the 31st day of March 2021.

The second installment commencing on the 1st day of March 2021, and collect up to and including the 5th day of April 2021, without fees, and to add 5% from the 6th day of April 2021, up to and including the 30th day of May 2021.

The third installment commencing on the 1st day of May 2021, and collect up to and including the 7th day of June 2021, without fees, and to add 5% from the 8th day of June 2021, up to and including the 30th day of July, 2021.

The fourth installment commencing on the 1st day of July 2021, and collect up to and including the 6th day of August 2021, without fees, and to add 5% from the 7th day of August 2021, up to and including the 1st day of October, 2021.

In addition, thereto, for all late payments remaining unpaid for ninety (90) days after the first date designated for the collection of same, there shall be added an additional penalty in the amount of 10% per annum computed from said first date of collection; and

BE IT FURTHER RESOLVED, that the amounts, when collected, be deposited daily with the Key Bank of NY, N.A., Chase, TD Bank, Sterling National Bank, or in any of the said banks in compliance with the requirements set forth in the Newburgh Fiscal Recovery Act by said City Comptroller and credited and applied to the several respective funds and accounts as stated in the Adopted Budget for taxes now confirmed and approved by said City Council, including credit balances heretofore appropriated.

RESOLUTION NO.: 283 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION ADOPTING THE CITY OF NEWBURGH
ELECTED OFFICIALS BENEFIT POLICY**

BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby adopts the City of Newburgh Elected Officials Benefit Policy, a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect on January 1, 2021.

RESOLUTION NO.: 284 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH BIZODO, INC.
(D/B/A SEAMLESSDOCS, INC.) FOR ONLINE FILLABLE
PORTABLE DOCUMENT FORMAT ("PDF") SERVICES
FOR A THREE YEAR TERM AT A TOTAL COST OF \$41,145.00**

WHEREAS, the City of Newburgh has recognized a need to move paper-based manual documents and forms, including those that require signature, into an electronic web-based environment; and

WHEREAS, digitizing said documents and forms will help City departments operate more efficiently in the handling and processing of documents; and

WHEREAS, digitizing said documents and forms will expands access to those who might require access to various City services; and

WHEREAS, this Council finds it in the best interest of the City of Newburgh to enter into a three-year agreement with Bizodo, Inc. (d/b/a SeamlessDocs, Inc.) for online fillable portable document format ("PDF") services at a total cost of \$41,145.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into an agreement with Bizodo, Inc. (d/b/a SeamlessDocs, Inc.) for a three year term at a total cost of \$41,145.00, with all such terms and conditions as may be required by the Corporation Counsel, for online fillable PDF services to the City.

RESOLUTION NO.: 285 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO 45 CONCORD REALTY PARTNERS, LLC TO THE PREMISES
KNOWN AS 45 CONCORD STREET (SECTION 29, BLOCK 1, LOT 12)**

WHEREAS, on January 8, 2019, the City of Newburgh conveyed property located at 45 Concord Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 29, Block 1, Lot 12, to 45 Concord Realty Partners LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 45 Concord Street, Section 29, Block 1, Lot 12 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated January 8, 2019, from THE CITY OF NEWBURGH to 45 CONCORD REALTY PARTNERS, LLC, recorded in the Orange County Clerk's Office on February 6, 2019, in Liber 14522 of Deeds at Page 1960 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 286 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO HASBROUCK EQUITIES LLC TO THE PREMISES
KNOWN AS 44 HASBROUCK STREET (SECTION 38, BLOCK 3, LOT 50)**

WHEREAS, on August 30, 2019, the City of Newburgh conveyed property located at 44 Hasbrouck Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 50, to Hasbrouck Equities LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 44 Hasbrouck Street, Section 38, Block 3, Lot 50 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated August 30, 2019, from THE CITY OF NEWBURGH to HASBROUCK EQUITIES LLC, recorded in the Orange County Clerk's Office on September 5, 2019, in Liber 14619 of Deeds at Page 1345 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 287 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PARTIAL RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO CHRISTOPHER MICHAEL MANZIONE TO THE PREMISES
KNOWN AS 412 LIBERTY STREET (SECTION 10, BLOCK 1, LOT 46)**

WHEREAS, on November 15, 2019, the City of Newburgh conveyed property located at 412 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 10, Block 1, Lot 46, to Christopher Michael Manzione; and

WHEREAS, Mr. Manzione has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**PARTIAL RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 412 Liberty Street, (Section 10, Block 1, Lot 46) on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4 and 5 in a deed dated November 15, 2019 from THE CITY OF NEWBURGH to CHRISTOPHER MICHAEL MANZIONE, recorded in the Orange County Clerk's Office on January 24, 2020, in Liber 14692 of Deeds at Page 1035 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed. The restrictive covenant numbered 6 in said deed remains in effect as of the within date.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 288 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO HUDSON TODD, LLC TO THE PREMISES
KNOWN AS 254 LIBERTY STREET (SECTION 18, BLOCK 6, LOT 26)**

WHEREAS, on October 5, 2016, the City of Newburgh conveyed property located at 254 Liberty Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 6, Lot 26, to Hudson Todd, LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 254 Liberty Street, Section 18, Block 6, Lot 26 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated October 5, 2016, from THE CITY OF NEWBURGH to HUDSON TODD, LLC, recorded in the Orange County Clerk's Office on October 14, 2016, in Liber 14123 of Deeds at Page 1009 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 289 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO 65 LANDER, LLC TO THE PREMISES
KNOWN AS 112 JOHNSTON STREET (SECTION 18, BLOCK 10, LOT 12)**

WHEREAS, on September 17, 2018, the City of Newburgh conveyed property located at 112 Johnston Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 18, Block 10, Lot 12, to 65 Lander, LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 112 Johnston Street, Section 18, Block 10, Lot 12 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated September 17, 2018, from THE CITY OF NEWBURGH to 65 LANDER, LLC, recorded in the Orange County Clerk's Office on October 9, 2018, in Liber 14470 of Deeds at Page 1446 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 290 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO MICHAEL ALEXANDER TO THE PREMISES
KNOWN AS 252 FIRST STREET (SECTION 22, BLOCK 5, LOT 29)**

WHEREAS, on November 9, 2000, the City of Newburgh conveyed property located at 252 First Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 22, Block 5, Lot 29, to Michael Alexander; and

WHEREAS, Mr. Alexander's attorney has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 252 First Street, Section 22, Block 5, Lot 29 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5, and 6 in a deed dated November 9, 2000, from THE CITY OF NEWBURGH to MICHAEL ALEXANDER, recorded in the Orange County Clerk's Office on October 22, 2001, in Liber 5660 of Deeds at Page 254 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 291 -2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO MO PROPERTIES LLC TO THE PREMISES
KNOWN AS 30 ROE STREET (SECTION 7, BLOCK 11, LOT 14)**

WHEREAS, on November 16, 2009, the City of Newburgh conveyed property located at 30 Roe Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 7, Block 11, Lot 14, to MO Properties LLC; and

WHEREAS, the managing member of the company has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, and 5 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 30 Roe Street, Section 7, Block 11, Lot 14 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, and 5 in a deed dated November 16, 2009, from THE CITY OF NEWBURGH to MO PROPERTIES LLC, recorded in the Orange County Clerk's Office on November 27, 2009, in Liber 12931 of Deeds at Page 1221 and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2020

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2020

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: 292 - 2020

OF

NOVEMBER 23, 2020

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY KNOWN AS 394 WASHINGTON STREET (SECTION 34, BLOCK 3, LOT 47) AT PRIVATE SALE TO INOCENTE VIRGINIA VIDAL SORIANO FOR THE AMOUNT OF \$100,000.00

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, the City of Newburgh desires to sell 394 Washington Street, being more accurately described as Section 34, Block 3, Lot 47 on the official tax map of the City of Newburgh; and

WHEREAS, the prospective buyer has offered to purchase this property at private sale; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh to sell said property to the prospective buyer for the sum as outlined below, and upon the same terms and conditions annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of the following property to the indicated purchaser be and hereby is confirmed and the City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of the indicated purchase price in money order, good certified or bank check, made payable to **THE CITY OF NEWBURGH**, such sums are to be paid on or before February 26, 2021, being approximately ninety (90) days from the date of this resolution; and

<u>Property address</u>	<u>Section, Block, Lot</u>	<u>Purchaser</u>	<u>Purchase Price</u>
394 Washington Street	34 - 3 - 47	Inocente Virginia Vidal Soriano	\$100,000.00

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

Terms and Conditions Sale

394 Washington Street, City of Newburgh

(SBL: 34-3-47)

STANDARD TERMS:

1. City of Newburgh acquired title to this property in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water and sewer assessments are the responsibility of the purchaser, whether they are received or not; (d) easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale in which City of Newburgh acquired title; and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the date of sale.
4. The properties are sold subject to unpaid school taxes for the tax year of 2020-2021, and also subject to all school taxes levied subsequent to the date of the City Council resolution authorizing the sale. The purchaser shall reimburse the City for any school taxes paid by the City for the tax year 2020-2021, and subsequent levies up to the date of the closing. Upon the closing, the properties shall become subject to taxation. Water and sewer charges and sanitation fees will be paid by the City to the date of closing.
5. **WARNING: FAILURE TO COMPLY WITH THE TERMS OF THIS PARAGRAPH MAY RESULT IN YOUR LOSS OF THE PROPERTY AFTER PURCHASE.** The deed will contain provisions stating that the purchaser is required to rehabilitate any building on the property and bring it into compliance with all State, County and Local standards for occupancy within (18) months of the date of the deed. Within such eighteen (18) month time period the purchaser must either: obtain a Certificate of Occupancy for all buildings on the property; make all buildings granted a Certificate of Occupancy before the date of purchase fit for the use stated in such Certificate of Occupancy; or demolish such buildings. The deed shall require the purchaser to schedule an inspection by City officials at or before the end of the eighteen (18) month period. If the purchaser has not complied with the deed provisions regarding rehabilitation of the property and obtained a Certificate of Occupancy or Certificate of Compliance by that time, then the title to the property shall revert to the City of Newburgh. The deed shall also provide that the property shall not be conveyed to any other person before a Certificate of Occupancy or Certificate of Compliance is issued. A written request made to the City Manager for an extension of the eighteen (18) month rehabilitation period shall be accompanied by a non-refundable fee of \$250.00 per parcel for which a request is submitted. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to rehabilitate of up to, but not to exceed, three (3) months. Any additional request thereafter shall be made in writing and placed before the City Council for their consideration.
6. The City makes no representation as to whether the property is vacant and/or unoccupied. Evictions, if necessary, are solely the responsibility of the purchaser after closing and recording of the deed. The parcel is being sold subject to the City's Vacant Property Ordinance (Chapter 121) and all provisions of law applicable thereto. Within 30 days of closing, the purchaser must register the property and pay any applicable fees or submit an acceptable rehabilitation plan to the Building Department.

7. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date upon which the sale is scheduled to take place. Upon delivery of the quitclaim deed by the City of Newburgh to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
8. No personal property is included in the sale of any of the parcels owned by City of Newburgh, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the closing of sale.
9. The City makes no representation, express or implied, as to the condition of any property, warranty of title, or as to the suitability of any for any particular use or occupancy. Property may contain paint or other similar surface coating material containing lead. Purchaser shall be responsible for the correction of such conditions when required by applicable law. Property also may contain other environmental hazards. Purchaser shall be responsible for ascertaining and investigating such conditions prior to bidding. Purchaser shall be responsible for investigating and ascertaining from the City Building Inspector's records the legal permitted use of any property prior to closing. Purchaser acknowledges receivership of the pamphlet entitled "Protecting Your Family from Lead in Your Home." Purchaser also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards or mold.
10. The entire purchase price and all closing costs/fees must be paid by money order or guaranteed funds to the City of Newburgh Comptroller's Office by the date listed in the approved City Council Resolution, notwithstanding any extensions of time granted pursuant to terms contained herein ("Closing Deadline"). Such closing costs/fees may include, but are not limited to: recording fees, tax adjustments as of the day of closing, fuel oil adjustments, and applicable condominium charges (e.g. monthly maintenance charges, assessment charges, transfer buy-in fees, and/or closing package ordering fees). *The City of Newburgh does not accept credit card payments for the purchase price and closing costs/fees.* **The City is not required to send notice of acceptance or any other notice to a purchaser.** At closing, purchaser, as grantee, may take title as a natural person or as an entity wherein purchaser is an officer or managing member of said entity. If purchaser takes title as an entity, purchaser must provide an affidavit listing all of the members or shareholders of said entity, their addresses, their phone numbers, and their percentage ownership stake in the entity. Purchaser must have at least a fifty-one (51%) ownership stake in said entity in order for said entity to take title.
11. The City Manager may, in his sole discretion and for good cause shown, grant one extension of time to close title of up to, but not to exceed, sixty (60) additional days from the Closing Deadline. No request shall be entertained unless in writing, stating the reasons therefor, and unless accompanied by a fee of \$250.00 per parcel for which a request is submitted. The fee shall be in addition to all other fees and deposits and shall not be credited against the purchase price and shall not be returnable. Any additional request made thereafter shall be made in writing and placed before the City Council for its consideration.
12. In the event that a sale is cancelled by court order, judgment, the Comptroller or the Newburgh City Council, the purchaser shall be entitled only to a refund of the purchase money paid. Purchaser agrees that he shall not be entitled to special or consequential damages, attorney's fees, reimbursement for any expenses incurred as a result of ownership, improvements of property, or for taxes paid during period of ownership, and this agreement by the purchaser is a material condition of the sale.
13. Sale shall be final, absolute and without recourse once title is conveyed on the actual day of closing. In no event, shall City of Newburgh be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, his heirs, successors or assigns, against City of Newburgh arising from this sale.
14. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the City acquired title or as corrected up to date of deed. The deed will be recorded by the City upon payment in full of the purchase price, tax reimbursements, buyer's premium (if applicable), and closing fees/costs. Possession of property is forbidden until the deed is recorded conveying title to the purchaser. **Title vests upon conveyance of deed.**
15. Upon closing, the City shall deliver a quitclaim deed conveying all of its right, title and interest in the subject property, which deed shall be drawn by the City Corporation Counsel. The City shall not convey

its interest in any street, water, sewer or drainage easement, or any other interest the City may have in the property. The City shall only convey that interest obtained by the City pursuant to the judgment rendered in an *in rem* tax foreclosure action filed in the Orange County Clerk's Office.

16. The description of the property shall be from the City of Newburgh Tax Map reference or a survey description certified to the City of Newburgh. Any survey description shall be provided to the City Corporation Counsel by the purchaser at least thirty (30) days in advance of closing title and approved by the City's Engineer.
17. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom City of Newburgh foreclosed and has no intent to defraud City of Newburgh of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom City of Newburgh foreclosed within 24 months subsequent to the Closing Deadline date. If such conveyance occurs, purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to City of Newburgh as related to the foreclosure on the property and consents to immediate judgment by City of Newburgh for said amounts.
18. In the event that Seller engaged the services of a New York State Licensed Real Estate Broker in connection with this sale, Seller shall pay said Broker any commission earned pursuant to a separate agreement between Seller and Broker.
19. The property is sold subject to an owner-occupancy restriction. The purchaser has agreed to purchase the property subject to the five (5) year owner occupancy restriction shall, within 18 months of the delivery of the deed, establish his domicile and principal residence at said premises and maintain his domicile and principal residence at said premises for a period of at least five (5) years thereafter, provided that within said five (5) year period, the purchaser may convey said premises to another who shall also maintain their domicile and principal residence at said premises for said period. This shall be set forth as a restrictive covenant in the deed, subject upon its breach, to a right of re-entry in favor of the City of Newburgh. This shall be in addition to all other provisions, covenants and conditions set forth in the Terms of Sale.
20. Within ten (10) business days of approval of sale by the City of Newburgh, the purchaser shall tender a non-refundable downpayment in the amount of **\$10,000.00** payable to "City of Newburgh" by money order or guaranteed funds to the City of Newburgh Comptroller's Office. At closing, the downpayment amount shall be credited against the purchase price.

ACKNOWLEDGED AND AGREED

Date: _____

Inocente Virginia Vidal Soriano

RESOLUTION NO.: 293 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION AUTHORIZING APPROVAL OF A GENERAL LIABILITY INSURANCE
POLICY FOR CITY-OWNED TAX FORECLOSED PROPERTIES FOR THE PERIOD OF
NOVEMBER 27, 2020 TO NOVEMBER 26, 2021**

WHEREAS, the City of Newburgh has maintained general liability insurance coverage for City-owned tax-foreclosed properties since 2010; and

WHEREAS, Arthur J. Gallagher of New York, Inc. has recommended a renewal of liability insurance coverage for Fiscal Year 2020-2021;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Newburgh, New York hereby approves the insurance coverage for the term beginning November 27, 2020 through November 26, 2021 with all liability insurance to be provided by Scottsdale Insurance Company; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized and directed to execute agreements with Arthur J. Gallagher of New York, Inc. to provide for insurance coverage for the City-owned tax foreclosed properties for the period of November 27, 2020 to November 26, 2021.

RESOLUTION NO.: 294 - 2020

OF

NOVEMBER 23, 2020

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR DECEMBER 14, 2020 AND
OPENING A 5-DAY COMMENT PERIOD TO HEAR PUBLIC COMMENT
CONCERNING A SUBSTANTIAL AMENDMENT TO THE
CITY OF NEWBURGH CDBG FY2019 ANNUAL ACTION PLAN
FOR A SECOND ALLOCATION OF
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING**

WHEREAS, by Resolution No. 327-2018 of November 13, 2018, the City Council of the City of Newburgh, New York approved and adopted the Community Development Block Grant (“CDBG”) FY 2019 Annual Action Plan (“AAP”); and

WHEREAS, the City of Newburgh received a second special allocation of CDBG funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which requires a Substantial Amendment to the previously authorized FY 2019 AAP, a public hearing and a public comment period;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the time for citizen participation is commenced by opening a 5-day period beginning on December 15, 2020 and closing on December 20, 2020 to receive public comment concerning a substantial amendment to the CDBG FY 2019 Annual Action Plan; and

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning a substantial amendment to the CDBG FY 2019 Annual Action Plan; 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 14th day of December, 2020; and

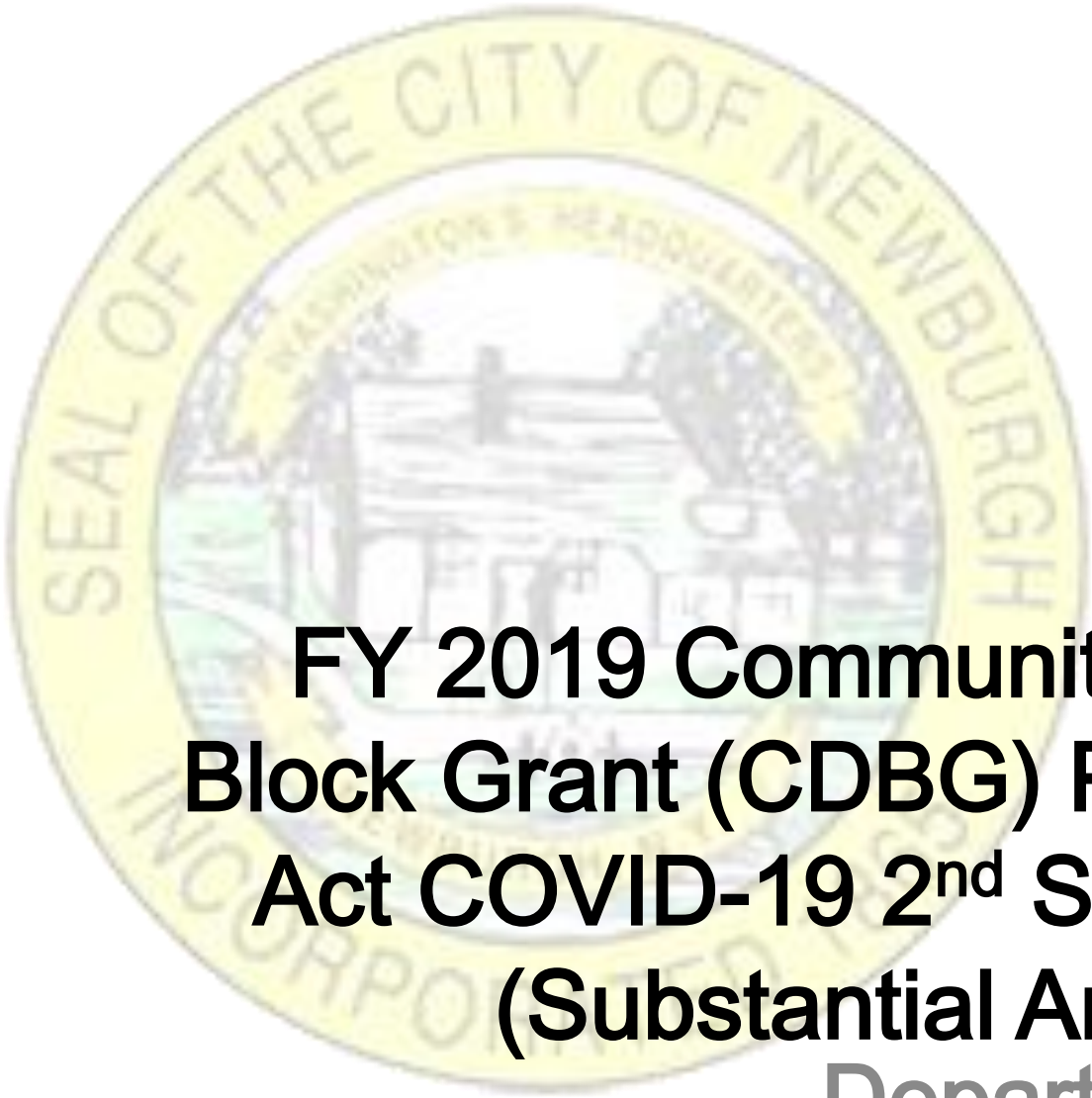
BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not meet in-person and in accordance with the Governor’s Executive Order 202.1, as amended, the December 14, 2020 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed substantial amendment to the CDBG FY2019 Annual Action Plan as follows:

To view the livestream of the City Council Meeting visit: <https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App: https://zoom.us/webinar/register/WN_YO2Z90y9SFmynIBOW-VEtA . Please note that there is an underscore between the “N” and “Y”).

To order to provide comments during the hearing you must register in advance for this webinar no later than 12:00 p.m. on Monday, December 14, 2020 through the Zoom App: https://zoom.us/webinar/register/WN_YO2Z90y9SFmynIBOW-VEtA. Please note that there is an underscore between the “N” and “Y”). Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

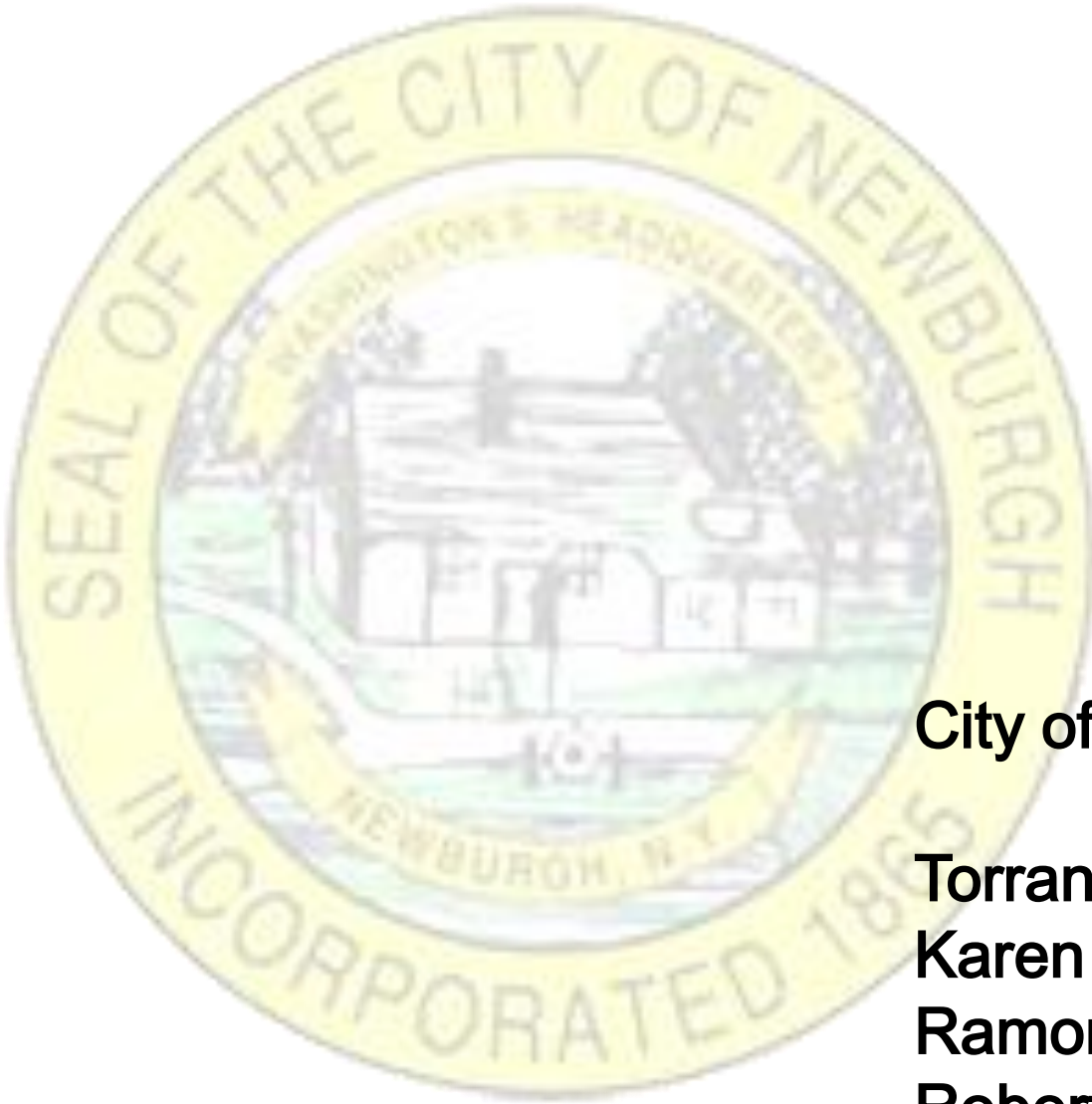
Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 12:00 p.m. on Monday, December 14, 2020. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.



**FY 2019 Community Development
Block Grant (CDBG) Projects + CARES
Act COVID-19 2nd Special Allocation
(Substantial Amendment)**

Department of Planning &
Development
November, 2020





City of Newburgh City Council:

Torrance Harvey, Mayor

Karen Mejia, Ward 1

Ramona Monteverde, Ward 2

Robert Sklarz, Ward 3

Patty Sofokles, Ward 4

Anthony Grice, At-Large

Omari Shakur, At-Large

(New) CARES Act Funding

- In April, 2020, the City of Newburgh received a special allocation of Community Development Block Grant (CDBG) funds in the amount of \$513,511.00 to “prevent, prepare for, and respond to the Coronavirus (COVID-19).”
- The allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.
- **In September, 2020, the City of Newburgh received an additional allocation of CDBG funds in the amount of \$370,023.00 to “prevent, prepare for, and respond to the Coronavirus (COVID-19).” This funding is referred to as “CDBG-CV3.”**



(New) City of Newburgh FY2019 Substantial Amendment

- Pursuant to “24 CFR § 91.505 - Amendments to the consolidated plan,” amendments may be made to a jurisdiction’s Annual Action Plan (AAP). The jurisdiction’s Citizen Participation Plan (CPP) determines the criteria for a substantial amendment to the AAP.
- The City of Newburgh’s CPP requires a substantial amendment when there is:
 - A “change of more than 25% of the total grant award funding the activity.”
 - A “change the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized.”



(New) City of Newburgh FY2019 Substantial Amendment

- As the CARES Act special allocation to the City of Newburgh is greater than both the “change of more than 25 % of the total grant award funding the activity” and a “change [to] the purpose, scope, location, and beneficiaries from one eligible activity to another by more than 25% of the total funds previously authorized,” the substantial amendment process must be activated in order for the City of Newburgh to accept the funding.
- The substantial amendment process includes:
 - Update to a previously authorized AAP
 - Public Hearing
 - Public Comment Period
 - Submission of updated AAP to the U.S Department of Housing and Urban Development (HUD)



(New) City of Newburgh FY2019 Substantial Amendment

- To expedite and streamline use of the special allocation of CDBG funding, CDBG-CV3, the additional allocation will be added to the City of Newburgh FY2019 AAP.
- Activities added to the FY2019 AAP under the CDBG-CV Funding:

Infrastructure

- Infrastructure Assessment for Internet Access in the City of Newburgh - CARES Act (CDBG-CV): \$30,000.00

Public Service

- Emergency Food Service - CARES Act (CDBG-CV): \$125,000.00
- Child Care Services - CARES Act (CDBG-CV): \$35,000.00
- Neighborhood Service Programming and Materials necessary to carry-out socially distanced activities (ex. Thanksgiving, Christmas/Hannukah, New Year Socially Distanced Activities/PPE): \$155,023.00

Administration

- Administration - CARES Act (CDBG-CV): \$25,000.00

Additional information begins on Slide 11



“CDBG” - Brief Primer



- Community Development Block Grant (CDBG) - Administered by the U.S. Department of Housing and Urban Development (HUD)
- Allocated to local and state governments on a formula basis.
- The City of Newburgh is required to prepare and submit a **Consolidated Plan** that establishes goals for the use of CDBG funds. The most recent City of Newburgh Consolidated Plan: **FY2015-FY2019**
- Projects **MUST** be consistent with national priorities for CDBG:
 - Activities that benefit low- and moderate-income people;
 - The prevention or elimination of slums or blight; or
 - Community development activities to address an urgent threat to health or safety.



City of Newburgh Community Development Goals

- Economic Development without Displacement.
- Enhance outreach and communications with the community.
- Support a climate that values diversity, rewards independence, nourishes creativity, and brings all of us together.

Successful community building requires reestablishing trust, which takes time, patience, outreach and communication.



City of Newburgh CDBG Projects Overview:

- Manage city-owned properties, through the in rem program.
- Provide access to parkland, trails, and healthy activities in nature
- Positively reinvest in our community and our infrastructure
- Provide public service activities to respond to community need



FY2019: Annual Action Plan Projects updated with CARES Act COVID-19 Special Allocations

**Year 5 of the 5 Year Plan
2015 - 2019**



FY2019 Entitlement + CARES Act Funding Amended CDBG Projects/Funding

Project Name	Description	Project Funding FY2019 Annual Entitlement (CDBG- EN) Funding	Project Funding 1st Round CARES Act (CDBG- CV) Allocation	Project Funding 3rd Round CARES Act (CDBG-CV3) Allocation	Project Funding FY2019 EN + CARES Act (CDBG-CV) Allocations
In Rem Property Program	Salaries for 3 fulltime employees, In Rem Property Supplies, In Rem Training	\$215,000.00			\$215,000.00
Complete Streets Program	Sidewalks, Business Façade Improvements, Infrastructure	\$225,000.00			\$225,000.00
	CARES Act (CDBG-CV): Infrastructure Assessment for Internet Access in the City of Newburgh to meet lack of connectivity due to COVID-19.			\$30,000.00	\$30,000.00
Park Improvements	Park Improvements	\$190,786.00			\$190,786.00
Community Policing/Neighborhood Services	Community and Neighborhood Police Initiatives, 2018 National Night Out, 2019 Children's Summer Film Festival	\$18,000.00			\$18,000.00
	CARES Act (CDBG-CV): Public Service: Provide equipment, supplies, and materials necessary to carry-out a public service; Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities. (Newburgh Armory Unity Center, NUFFI, RECAP, Catholic Charities)		\$50,000.00	\$115,000.00	\$165,000.00
	CARES Act (CDBG-CV): Public Service: Provide Emergency Income Payments to cover rent and utility payments due to lack of income as a direct result of COVID-19. (Catholic Charities)		\$413,511.00	\$10,000.00	\$423,511.00
	CARES Act (CDBG-CV): Neighborhood Service Programming and materials necessary to carry-out socially distant activities (ex. Includes Thanksgiving, Christmas/Hannukah, New Year, Winter Socially Distanced Activities, PPE) (City of Newburgh)			\$155,023.00	\$155,023.00
	CARES Act (CDBG-CV): Child Care Services (Jewish Community Center)			\$35,000.00	\$35,000.00
Homeowner Resource Assistance Program	Program to provide resource assistance to homeowners	\$60,000.00			\$60,000.00
Administration	Program Administration, Staff Salaries and Benefits, Program Operating Costs (including mailings), Training/Conference	\$130,000.00			\$130,000.00
	CARES Act (CDBG-CV): Program Administration of CDBG-CV funds. Includes program administration costs such as public notices, language translation, mailing, salary, meetings/training, Subrecipient Monitoring.		\$50,000.00	\$25,000.00	\$75,000.00
Total		\$838,786.00	\$513,511.00	\$370,023.00	\$1,722,320.00

**Added through Substantial Amendment (New)
Project: Complete Streets/Infrastructure - CARES
Act (CDBG-CV)**

Previous Budget: \$0.00

***New Budget Allocation: \$30,000.00**

New Budget: \$30,000.00

Summary: Infrastructure Assessment for Internet Access in the City of Newburgh to meet lack of connectivity due to COVID-19 restrictions.



**Added through Substantial Amendment (New)
Project: Public Service, Emergency Food Service -
CARES Act (CDBG-CV)**

Previous Budget: \$50,000.00

***New Budget Allocation: \$115,000.00**

New Budget: \$165,000.00

Summary: Provide equipment, supplies, and materials necessary to carry-out a public service; Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.



**Added through Substantial Amendment (New)
Project: Public Service, Emergency Income
Payment (Rent, Utility Payments) - CARES Act
(CDBG-CV)**

Previous Budget: \$413,511.00

***New Budget Allocation: \$10,000.00**

New Total Budget: \$423,511.00

Summary: Public Service program to provide emergency income payment, to cover rent, utility payments due to lack of income as a direct result of the COVID-19 crisis.*

* Payments made directly to service provider



**Added through Substantial Amendment (New)
Project: Public Service, Neighborhood Services
- CARES Act (CDBG-CV)**

Previous Budget: \$0.00

***New Budget Allocation: \$155,023.00**

New Total Budget: \$155,023.00

Summary: Public Service program to provide social distanced programming and materials necessary to carry-out socially distanced activities (ex. Thanksgiving, Christmas/Hannukah, New Year, Winter activities, PPE)



**Added through Substantial Amendment (New)
Project: Public Service, Child Care Services -
CARES Act (CDBG-CV)**

Previous Budget: \$0.00

***New Budget Allocation: \$35,000.00**

New Total Budget: \$35,000.00

Summary: Public Service program to provide temporary child care services due to Coronavirus.



Added through Substantial Amendment (New)
Project: Administration - CARES Act (CDBG-CV)
Previous Budget: \$50,000.00
***New Budget Allocation: \$25,000.00**
Budget: \$75,000.00

Summary: Funding for Program Administration of CDBG-CV funds. Includes program administration costs such as public notices, language translation, mailing, salary, meetings/training.



Project: In Rem Property Program
Budget: \$215,000.00

Summary: Continued funding for the In Rem program, including the salaries for 3 fulltime employees (2 DPW employees and the Economic Development Specialist), In Rem property program supplies, such as paint, plywood, In Rem Training.



In Rem Property Program Highlights

- Staffed by 2 full-time Department of Public Works employees and 1 employee of the Planning & Development Department dedicated to the in rem program.
- Provides maintenance and security of vacant properties. Keeps properties habitable, neighborhoods looking good, maintains/increases property values.



Project: Complete Streets Project
Budget: \$225,000.00

Summary: Funding to support the following Complete Streets projects:

- Sidewalks
- Façade Improvements (including business signs)
- Infrastructure



Project: Park Improvements
Budget: \$200,000.00

Summary: Funding to support park improvements in the City of Newburgh. Projects to include support to the new South Street Park.



Project: Community Policing/Neighborhood Services
Budget: \$18,000.00

Summary: Funding to support:

- 2019 National Night Out
- 2019 Children's Summer Film Festival



Project: Homeowner Resource Assistance
Budget: \$60,000.00

Summary: Funding to support a low-income homeowner resource assistance program. Includes repairs as well as other assistance such as financial/budget counseling.

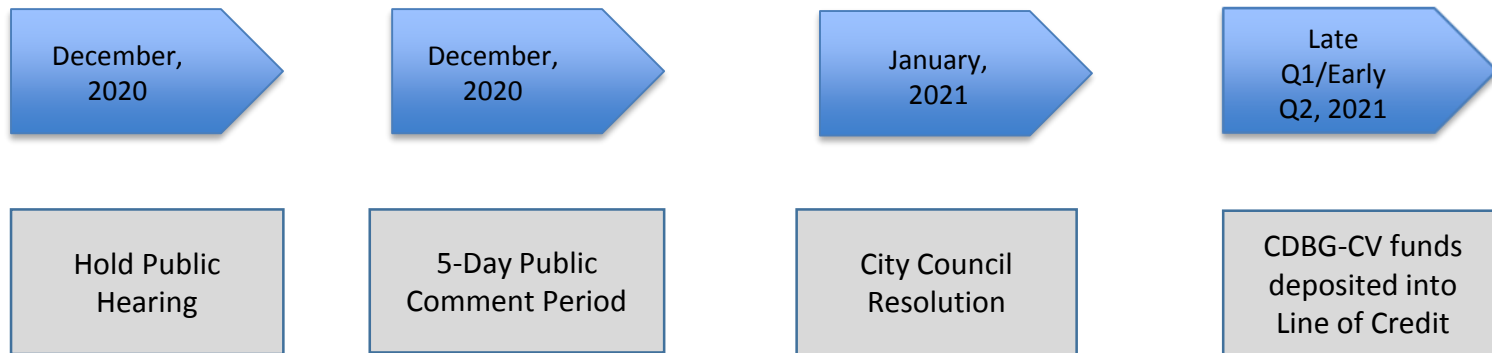


Project: Administration
Project Funding: \$130,000.00

Summary: Funding to include salary and benefits for Director of Community Development, Business Mailings, Supplies and Program Administration/Training/Conference.

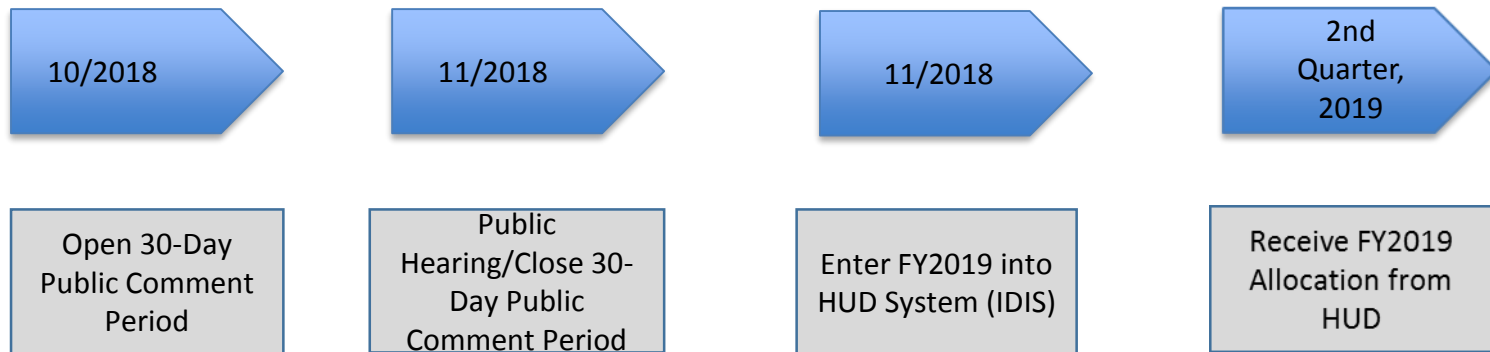


FY2019 CDBG-CV Projects Timeline (New Allocation CDBG-CV3)



FY 2019 CDBG-CV PROJECTS TIMELINE

FY2019 CDBG Projects Timeline



**FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROJECTS TIMELINE**



RESOLUTION NO.: 295 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION DECLARING 22 BICYCLES AS SURPLUS
AND AUTHORIZING DISPOSITION TO
INDIVIDUALS MAKING POSITIVE ADVANCEMENTS
IN THEIR COMMUNITIES TOGETHER, INC.**

WHEREAS, the City of Newburgh Police Department has reported that it is in possession of 22 bicycles which are of no use by the City of Newburgh; and

WHEREAS, the Police Department and the Transportation Advisory Committee are working with Individuals Making Positive Advancements in their Communities Together, Inc. to repair the bicycles and propose to match them with members of the community to increase access and mobility in Newburgh; and

WHEREAS, the City Council has determined that declaring the 22 bicycles as surplus is in the best interests of the City of Newburgh; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the 22 bicycles listed on the surplus inventory list annexed here to and made part hereof are hereby declared to be surplus and of no further use or value to the City of Newburgh; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus bicycles to Individuals Making Positive Advancements in their Communities Together, Inc.

RESOLUTION NO.: 296 - 2020

OF

NOVEMBER 23, 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DECLARING ITSELF LEAD AGENCY, DECLARING THE MATTER A TYPE I ACTION,
ACCEPTING PARTS II AND III OF THE FULL ENVIRONMENTAL ASSESSMENT
FORM, AND ISSUING A NEGATIVE DECLARATION, ALL PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") WITH RESPECT TO
THE ADOPTION OF A REVISION TO CHAPTER 300 ENTITLED "ZONING" OF
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH**

WHEREAS, the City of Newburgh proposes the adoption of a revision to Chapter 300, entitled "Zoning", of the City Code of Ordinances of the City of Newburgh; and

WHEREAS, the City of Newburgh proposes to undertake the adoption of the proposed revision in compliance with the terms of New York State law and hereby wishes to review the project in accordance with the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, by Resolution No. 211-2020 of September 14, 2020, in compliance with SEQRA, the City Council of the City of Newburgh declared its intent to assume Lead Agency status, classify the project as a Type I action, and accept as complete a Full Environmental Assessment Form ("FEAF"), as well as refer the proposed revision to the Orange County Planning Department pursuant to General Municipal Law Section 239-m and all other interested or involved agencies; and

WHEREAS, the City Council has received no objections from any interested or involved agencies to the City's Council's intent to act as Lead Agency pursuant to SEQRA for the proposed revisions; and

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

NOW, THEREFORE, BE IT RESOLVED, in compliance with SEQRA, the City Council of the City of Newburgh declares itself to be Lead Agency for environmental review of the action, declares the proposed revision a Type I action, accepts Parts 2 and 3 of the FEAF, and hereby issues a Negative Declaration, all pursuant to SEQRA.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: City of Newburgh Zoning Code Update, 2020		
Project Location (describe, and attach a general location map): City of Newburgh, County of Orange, New York		
Brief Description of Proposed Action (include purpose or need): The Proposed Action would address/correct a number of known errors in Chapter 300 of the Newburgh City Code and the current Zoning Map, and make minor changes to Chapter 300 that support the implementation of the City's existing, adopted planning documents and studies, including the City's Future Land Use Plan. The proposed amendments would take effect city-wide, though the proposed actions have application in limited, specific geographic locations. The proposed changes include: defining mapped zones that lack definition use in the current zoning; correcting actual errors on the zoning map; and correcting unclear or oppositional language in the City Code that make application unenforceable or unable to be applied. The Proposed Action for purposes of environmental review is being considered by the City Council of the City of Newburgh, which seeks to act as Lead Agency pursuant to SEQRA.		
Name of Applicant/Sponsor: City of Newburgh	Telephone: 845-569-7301	
	E-Mail:	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Alexandra Church	Telephone: 845-569-9400	
	E-Mail: achurch@cityofnewburgh-ny.gov	
Address: 123 Grand Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): N/A	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City Council Adoption of Zoning Amendment	Proposed adoption October or November 2020.
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	General Municipal Law 239 referral	
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Brownfield Remediation Site: 336042, 336009, 336031, B00127, B00136, 546031, 336063, V00117, B00188, B00189, E336074, E336075, C336085, 336085, 336055, Brownfield Opportunity Area Nomination (census track 5); Hudson River Greenway; Hudson River National Heritage Area; CoN LWRP; HMP; East End Historic District.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Proposed Action would result in an update to Chapter 300 of the City's Code of Ordinances, including text amendments and zoning map changes.

- b. Is the use permitted or allowed by a special or conditional use permit? Not applicable. ☐ Yes ☐ No

- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

- i. What is the proposed new zoning for the site? See proposed zoning map.

C.4. Existing community services.

- a. In what school district is the project site located? Newburgh Enlarged City School District

- b. What police or other public protection forces serve the project site?

City of Newburgh Police Department, Orange County Sheriff, New York State Police

- c. Which fire protection and emergency medical services serve the project site?

City of Newburgh Fire Department

- d. What parks serve the project site?

Includes, but not limited to: 9/11 Memorial Park; Aquatic Center; Audrey Carey Park; Broadway Park; Clinton Square; Delano-Hitch Recreation Park; Delano-Hitch Stadium; Desmond Tennis Courts; Downing Park; Gidney Avenue Basketball Courts; Hasbrouck Street Park; Newburgh Boat Launch.

D. Project Details

D.1. Proposed and Potential Development (Entirety of Section D is N/A)

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Zoning code and map error changes.

- b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,

- i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

- iii. Number of lots proposed? _____

- iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

- i. If No, anticipated period of construction: _____ months

- ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase I (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____ _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action (Entirety of Section E is N/A)

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No i. If Yes: explain: _____	
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No If Yes: i. Identify Facilities: _____ _____	
e. Does the project site contain an existing dam? ☐ Yes ☐ No If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No If Yes: i. Has the facility been formally closed? ☐ Yes ☐ No • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No	
If Yes:	
i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

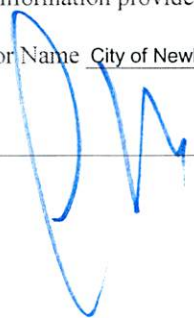
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name City of Newburgh, by Joseph P. Donat Date 9/18/2020

Signature  Title City Manager

PRINT FORM

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : City of Newburgh Zoning Update, 2020
Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐		
h. Other impacts: _____		☐	☐		

Build-Out Analysis

In order to assess the full environmental impacts of an update to zoning, a build-out analysis was performed to anticipate the future water and sewer capacity needs of the City of Newburgh.

A build-out is an exercise that imagines that every piece of land is rebuilt to its fullest density allowed by zoning. Therefore, if all current structures were rebuilt to their highest density, and all open or vacant land that is not protected by some sort of restriction (parks or preserved open space) were built to their highest density, Newburgh would have a certain number of dwelling units and square feet of commercial and industrial space. These figures would have an effect on the capacity of services such as schools and libraries, and on water and sewer infrastructure. Newburgh is a built-out city with limited vacant and undeveloped land. It is assumed that the majority of the structures that are currently constructed will remain, even with changes in zoning, so an additional build-out was done to analyze only the effects on those parcels that are vacant, undeveloped, or underdeveloped.

Assumptions

The build-out was performed assuming that every parcel would be built to the highest density allowed by its zone. The following table summarizes those assumptions. Each parcel was then analyzed to determine if it met the minimum lot size allowed for each respective zone, and calculated whether it would either have residential dwelling units, or commercial/industrial square footage. For the four form-based, mixed use zones, a ratio of residential-to-commercial space was assumed, and both a dwelling unit count and commercial square footage count was calculated.

Build-Out Assumptions							
Zone	Minimum Lot Size (Sq.Ft)	Maximum Lot Coverage	Maximum Building Height (Ft)	Maximum Dwelling Units	Dwelling Units per Sq Ft Land	Dwelling Units per Sq Ft Buildings	Percent Residential
Broadway Corridor	1500	0.75	65			750	0.6
Commercial District		0.6	45				
Conservation Development District							
Downtown Neighborhood	1500	0.8	35			1000	0.8
High Density Residential	2000	0.55	45	500 sq ft bldg/ DU		500	
High Density Residential, Apartment Building	2500	0.55	60	500 sf lot/DU	500		
Industrial District		0.7	35				
Institutional							
Low Density Residential	2500	0.3	40	3			
Medium Density Residential	2500	0.3	40	3			
Medium Density Residential, Apartment Building	9000	0.5	45	1800 sf lot /DU	1800		
Open Space	0			0			
Park	0			0			
Planned Waterfront District	1500	0.75	50			1000	0.8
Residential Single Family	2500	0.3	40	1			
Utility							
Waterfront Gateway	1500	0.8	95			1000	0.5

The proposed zoning also has updates to environmental constraints. These areas have limits on building and were reduced from the overall buildable area. For most of these areas, the zoning calls for a 50% reduction in their allowable buildable area. However, within the Water Protection Overlay (WPO) area, there is no new construction permitted, so the entirety of that area was reduced from the buildable area of each parcel. The environmental constraints considered in this build out analysis are Wetlands, classified bodies of water as shown in FEMA 500 and 100 year flood zones, WPO buffer, and slopes greater than 20%.

Full Build-Out

The Full Build-Out assumes that every parcel in the City that is not currently a Park, Institution, Utility Right-of-Way (ROW), or Protected Open Space, will be rebuilt to its maximum allowable density, accounting for the respective reduction due to environmental constraints. This Full Build-Out scenario is considered highly unlikely, and is not reflected in current or historic building patterns, or in current or historic population growth. Under those conditions, the following Full Build-Out statistics are as follows:

37,621,423	Total Square Feet Commercial and Industrial space
146,962	Total Dwelling Units, resulting in
454,113	Total Population

Amended Build-Out

The Amended Build-Out assumes that all parcels currently built on would remain, and that only those parcels that are Vacant, Parking Lots, Urban Renewal properties, or Storage Yards would be redeveloped to their maximum allowable density, accounting for the reduction for environmental constraints. This scenario is considered more likely and more reflective of historic density and population growth. However, it is still unlikely that this scenario would be fully realized in the next 20 years. Under these conditions, the Amended Build-Out statistics are as follows:

11,527,793	Additional Square Feet Commercial and Industrial space
8,526	Additional Dwelling Units, resulting in
25,749	Additional Residents

Outcomes

The ability of the City of Newburgh to support the future demands under either a full or amended build-out has capacity issues relating to all City services, but especially to its wastewater and drinking water infrastructure. New development under these new zoning conditions must ultimately be done in conjunction with careful monitoring of all city services to ensure that adequate services can be provided to all City residents. Understanding the discreet capacity constraints for water and sewer services, calculations were prepared to see if the City has the capacity to meet development under each build-out scenario. The City has the following capacity of its wastewater and drinking water services:

Wastewater Treatment: 9 million gallons per day total capacity; with 3.8 million reserved for Town of Newburgh

Drinking Water Filtration: 4.7 million gallons per day current production; potential for 8.85 million gallons per day of treatment capacity with scheduled upgrades. (Note: The 2012 Safe Yield Study limits reservoir daily yield to 6.2 million gallons per day during drought periods, or 8.5 million gallons per day during non-drought periods)

The residential build-out would result in the following water and wastewater daily uses, given the assumptions that:

- There will continue to be 3.09 people per household, as per the 2010 US Census.
- Each residential bedroom will result in 120 gallons of water use per day.
- Each person will result in 110 gallons of wastewater per day.

Residential Water and Wastewater Usage						
	Existing Dwelling Units*	New Dwelling Units	Total Dwelling Units	Total Potential Residents/Beds	Water Gallons Per Day, Res	Wastewater Gallons Per Day, Res
Full Build-Out	0	146,962	146,962	454,113	54,493,510	49,952,384
Amended Build-Out	10,505	8,526	19,031	58,806	7,056,695	6,468,637
*Full Build-Out Scenario assumes there is no existing dwelling units or commercial square footage, and that all is new.						

The commercial/industrial build-out would result in the following water and wastewater daily uses, given the assumptions that:

- Water will be used at a rate of 25 gallons per day per 200 feet of commercial space.
- General use/ warehouse use will generate 15 gallons of wastewater per worker or 200 square feet of space.
- Restaurants will generate 35 gallons of wastewater per seat, or 25 square feet of space.
- Restaurants will continue to account for 4% of City commercial square footage.

Commercial/ Industrial Water and Wastewater Usage						
	Existing Commercial/ Industrial Sq Ft*	New Commercial/ Industrial Sq Ft	Total Commercial/ Industrial Sq Ft	Water Gallons Per Day	Wastewater Gallons Per Day, Warehouse	Wastewater Gallons Per Day, Restaurant
Full Build-Out	0	37,621,423	37,621,423	4,702,678	2,708,742	2,106,800
Amended Build-Out	5,362,477	11,527,793	16,890,270	2,111,284	1,216,099	945,855
*Full Build-Out Scenario assumes there is no existing dwelling units or commercial square footage, and that all is new.						

Under these scenarios, the system would be well over capacity under the full build-out and would need to plan for upgrades to both sewer and water systems. The systems have close to the potential capacity to accommodate all future users of the amended build-out. However, this capacity would rely on planned upgrades and a potential reduction in the amount of allotted capacity granted to neighboring communities in future inter-municipal agreements. A change to this allotted capacity is not expected to be probable, and therefore increased sewer and water capacity would be required under the amended build-out condition to meet full future capacity needs.

Water and Wastewater, Capacity v. Need (gallons per day)				
	Existing Capacity*	Potential Capacity*	Full Build-Out Need	Amended Build-Out Need
Wastewater	5,200,000	9,000,000	54,767,926	8,630,591
Drinking Water	4,500,000	8,500,000	59,196,187	9,167,979
*Without planned upgrades and with reductions for capacity allotted for neighboring communities.				

Full Environmental Assessment Form

Part 2 - Identification of Potential Project Impacts

Project :

Date :

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d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐		
h. Other impacts: _____ _____		☐	☐		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	☐ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	☐ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☐ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☐ YES <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3: e. i. The proposed action may result in the destruction or alteration of all or part of the site or property. ii. The proposed action may result in the alteration of the property’s setting or integrity. iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3g, E3f E3e, E3f, E3g, E1a, E1b E3e, E3f, E3g, E3h, C2, C3	☐ ☐ ☐	☐ ☐ ☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If “Yes”, answer questions a - f. If “No”, go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If “Yes”, answer questions a - e. If “No”, go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The 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 commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If “Yes”, answer questions a - f. If “No”, go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☐ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

1. INTRODUCTION

This document constitutes the “Reasons Supporting This Determination” portion of Part 3 of the Full Environmental Assessment Form (“FEAF”) for the 2020 City of Newburgh Zoning Code Update. This Part 3 of the FEAF provides additional information to assist the Newburgh City Council, as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) (6 NYCRR Part 617), to make a determination on whether the Proposed Action will have significant adverse environmental impacts. This EAF was prepared pursuant to all SEQRA regulations and includes sufficient information for the City Council to make a reasoned determination on environmental significance. Adoption of the Zoning Code Amendments and Zoning Map are considered a Type I action under the State Environmental Quality Review Act (SEQRA).

The Proposed Action would correct a number of known errors in Chapter 300 of the Newburgh City Code and the current Zoning Map, and make minor changes to Chapter 300 that support the implementation of the City’s existing, adopted planning documents and studies, including in particular the Future Land Use Plan. The proposed amendments would take effect city-wide, though the proposed actions have application in limited, specific geographic locations.

Additional SEQRA review will be required for individual parcel development applications seeking approvals from the City, in accordance with the existing zoning rules and proposed zoning amendments, should they be adopted. This environmental review analyzes the potential generic impacts associated with the proposed action and generic development projected that occurs under the proposed action, not any potential impacts specific to site conditions associated with future development applications.

The Proposed Action comprises the following actions being considered by the Newburgh City Council, acting as Lead Agency under SEQRA:

- Amend existing Zoning Code
- Amend existing Zoning Map

a. DESCRIPTION OF THE PROCESS

The process to amend the Zoning Code began in late 2018 following the discovery of several map and code errors in the current zoning code. Staff reviewed notes and met with members of the original Zoning Advisory Team to better determine intent of the 2015 zoning update.

Over the course of 2018, 2019 and 2020, staff noted errors in the Zoning Map, Zoning Code, and noted conflicting or oppositional statements in the implementation of the zoning update. In late 2019, staff began to draft changes to the code and worked on updating the corresponding mapping.

b. PURPOSE AND NEED

Staff discovered three general areas of necessary change:

Lack of Definition of Mapped Zones: Several zones were drawn on the Zoning Map, but were not defined as a Zone within the Zoning Code, effectively rendering them as zones with no permissible uses. The zones were “Institutional,” “Open Space,” and “Utility.”

Map Errors: The original intent of the Zoning Code was not properly translated onto the Zoning Map. Several areas of the City that were traditionally mixed-use in nature were intended to be zoned as Residential with Commercial Overlay in order to continue to allow mixed-use development in those areas. A mapping error resulted in only the Commercial or only the Residential Zones being delineated, without any overlay district. This was largely apparent on William Street and the surrounding area.

Unclear or Oppositional Language: Several areas of the code had language that in practice was contradictory to other parts of the Zoning Code, or was so unclear that it was unenforceable or unable to be applied.

2. EXISTING CONDITIONS

a. PLANNING BACKGROUND

The City of Newburgh has prepared numerous planning documents and studies to guide growth and development City-wide including:

- Plan-It Newburgh Sustainable Master Plan (2008)
- Future Land Use Plan (2011)
- Pace Streamlining Newburgh’s Land Use Process Final Recommendations (2012)
- Local Waterfront Revitalization Program (LWRP) (2008 Draft, Locally Adopted in 2018)
- Newburgh Waterfront Charette (2007)
- Liberty-Grand Street Heritage Corridor (2007)
- Liberty Street Corridor Commercial Implementation Strategy, Newburgh 2020 (2009)

Many of these planning documents and studies have been adopted, but the planning strategies and recommendations within these studies have yet to be implemented. Further, the errors in the existing Zoning Code has been an impediment to the implementation of the planning strategies recommended within these documents and studies. As described in more detail below, the proposed Zoning Code update is consistent with and advances the goals of the City’s existing planning documents.

In addition, several regional planning studies and reports helped shape the proposed Zoning Code update, including:

- Newburgh Area Transportation and Land Use Study (2012)
- Orange County Design Manual (Adopted by Orange County, 2011)

b. EXISTING LAND USE PATTERNS AND ZONING

The City contains a broad mix of residential, commercial, industrial, institutional, and open space uses (**Figure 1**). Most of the lower density residential uses are focused north of Broadway and west of State Route 9W, while the eastern portion of the City tends to have more dense residential uses. The Broadway corridor, which serves as the City's commercial spine, includes a variety of retail, service, restaurant and other commercial uses and many mixed-use parcels. The same is true along much of Liberty and Grand Street. Much of the waterfront is currently vacant or underutilized, as are several large lots between the waterfront and the end of Broadway. **Figure 2** shows the existing Zoning Map for the City of Newburgh.

c. POPULATION TRENDS

According to the U.S. Census, Newburgh's population peaked at 31,956 in 1950 (**Table 1**). Over the next 30 years, the City's population decreased by more than 28 percent to a low of 22,863 in 1980. Since then, Newburgh's population has increased by roughly 6,000 persons (26 percent), to 28,866 according to the 2010 Census. The current level of Newburgh's population is approximately 10 percent lower than its 1950 peak.

Table 1
City of Newburgh Population

Year	Population	Change from Previous
2010	28,866	2.1%
2000	28,259	6.8%
1990	26,454	15.7%
1980	22,863	-12.8%
1970	26,219	-15.4%
1960	30,979	-3.1%
1950	31,956	0.2%
1940	31,883	1.9%
1930	31,275	3.1%
1920	30,336	9.1%
1910	27,805	11.4%
1900	24,949	
Sources: US Census		

3. DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action would amend the City's Zoning Code to correct known errors and make minor modifications consistent with the existing Zoning Code. The Proposed Action for

purposes of environmental review comprises the following actions being considered by the City Council of the City of Newburgh, acting as Lead Agency pursuant to SEQRA:

- Adoption of the Proposed Zoning Amendments - Revisions to Chapter 300 (including the Schedule of Bulk, Area, and Parking Regulations and Schedule of Uses, and Form-Based Code Component)
- Adoption of City's Zoning Map

a. PROPOSED ZONING AMENDMENTS

The proposed Zoning Code Amendments would support the goals and objectives presented in the City's planning documents and studies; reduce the volume of development applications that currently require variances; and streamline the planning and zoning application process by clarifying areas of the code that are currently unclear or unenforceable.

The proposed amendments would benefit the City of Newburgh by protecting the City's key natural resources and community character, supporting the economic viability of the City, and meeting the goals and objectives of the City's land use policies. Making the Code more consistent with existing development patterns and streamlining the application process would save property owners and the City significant time and expense by reducing the need for variances and cutting staff time spent reviewing applications. It is anticipated that the proposed changes would encourage investment in Newburgh by facilitating the development process. The proposed zoning would also be consistent with best planning practices by encouraging infill in the downtown area, promoting good urban design, and prioritizing and supporting pedestrian activity.

b. DEFINING AND RE-ORDERING OF ZONING DISTRICTS

The Proposed Zoning Code Amendment would result in the following traditional districts, form-based districts, and overlay districts, all of which currently exist in some fashion in the City's zoning code:

- i. R-1, Single Family District
- ii. Residential, Low Density
- iii. Residential, Medium Density
- iv. Residential, High Density
- v. Commercial
- vi. Industrial
- vii. Right of Way
- viii. Park
- ix. Broadway Corridor
- x. Downtown Neighborhood
- xi. Waterfront Gateway
- xii. Planned Waterfront District
- xiii. East End Historic District Overlay

- xiv. Colonial Terraces Architectural Design District Overlay
- xv. Waterfront Protection Overlay
- xvi. Neighborhood Commercial Overlay

The definitions, allowable uses, location, and zoning regulations for each district are further defined in Chapter 300 of the Newburgh City Code of Ordinances and in the changes proposed in this Zoning Amendment.

c. ZONING MAP REVISIONS

The second component of the Proposed Action is the adoption of the amended City of Newburgh Zoning Map. The Zoning Map was revised to reflect the known errors in the 2015 Zoning Map to better align with the Future Land Use Plan. The proposed Zoning Map changes the following:

- Consolidates redundant or undefined districts;
- Maps the boundaries a missing overlay district.
- Incorporates changes to encourage investment and the revitalization of Newburgh.

The proposed amended zoning map is included as **Figure 1**.

4. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

This section addresses the environmental categories identified in Part 2 of this FEAF where the impacts of the Proposed Action necessitate additional explanation.

a. CONSENSY WITH CURRENT PLANNING DOCUMENTS

i. Plan-It Newburgh Sustainable Master Plan (2008)

The City Council of the City of Newburgh adopted a Sustainable Master Plan in December 2008, entitled “Plan-It Newburgh.” Goals, targets and strategies in the Plan outline how the City of Newburgh would accommodate growth and development until a target date of 2040. The process for creating the plan began in 2005 with a stakeholder group and a series of workshops, public forums and meetings that invited residents to contribute ideas. The following key areas of interest formed the framework for sustainability: social well-being, governance, housing, natural environment, economic development, transportation, and municipal services. The primary plan objective was to create a higher quality of life in the City of Newburgh for both present and future generations. A key strategy to achieve this objective involved targeting vacant and underutilized portions of the City to avoid displacement and encourage the rejuvenation of the City’s downtown. This strategy is seen as a critical step towards revitalizing the City and supporting Newburgh’s commitment to becoming a thriving, walkable, and attractive community.

This Zoning Code amendment continues to encourage economic development in Newburgh by promoting infill and targeting vacant lots. Development is encouraged through implementation of flexible zoning that allows for a wider variety of uses and a streamlined process for development review, as described above. The Form-Based Districts, developed for four downtown areas, promote mixed-use development in key economic centers of the City such as the Broadway Corridor, Liberty Street, Grand Street, and the Waterfront.

By promoting a walkable, mixed-use, high quality community, the Proposed Action would help the City reach the goals and strategies enumerated in the Plan-It Newburgh Sustainable Master Plan.

ii. Future Land-Use Plan (2011)

The 2008 Sustainable Master Plan “Plan-It Newburgh” addressed land use planning policies. It did not specifically recommend future zoning changes to implement those policies. Therefore, in September 2011, the City of Newburgh commissioned a Land Use Committee to create a Future Land Use Master Plan. The Future Land Use Plan (FLUP) was prepared as an addendum to and to provide support for the goals enumerated in “Plan-It Newburgh”. The goal of the FLUP was to geographically illustrate general future land uses based on the policies stated in “Plan-It Newburgh” and to provide a framework for implementing the zoning changes required to carry out those policies. While the FLUP maintains many of the City’s existing land uses, it recognizes that there are existing areas where land use designations are either obsolete or do not promote the highest and best use for an area. In these areas, the FLUP proposes a new land use designation. The highest and best use for each area is based on policy recommendations from “Plan-It Newburgh”. The FLUP includes a Future Land Use Map, which illustrates the general location and intensity of future land uses and provides a roadmap for undertaking future zoning actions in the City of Newburgh. Many of the proposed changes were codified by the 2015 Zoning Update, however several of those changes were not clearly defined in the zoning text or their intent was not properly translated into the zoning Map. This Proposed Action aims to remedy those specific errors and better align the FLUP with the Zoning Code and Map.

iii. Local Waterfront Revitalization Plan (2008 Draft, and Current Draft)

The Newburgh Local Waterfront Revitalization Plan (LWRP) was adopted in 1992. In 2001, an update to the plan was adopted to address redevelopment initiatives along the waterfront. Similarly, in 2007 the City determined it was appropriate to update its LWRP as well as prepare a Harbor Management Plan to address pending interest in redevelopment of the waterfront. Objectives of the 2008 Draft LWRP include: preserving open space and increasing public access to the waterfront; linking the waterfront to the historic district, Washington’s Headquarters and the Broadway commercial area; and addressing parking issues on the waterfront by

planning for and integrating intermodal and multi-modal transportation links to the waterfront.

The LWRP represents major steps by the City of Newburgh to establish a specific plan and program for the waterfront area. It promotes the preservation of valuable coastal resources, the expansion of water-related and water-enhanced uses and the improvement of underutilized and deteriorated sites.

The Proposed Action expands the code that regulates many aspects of the physical environment that would help preserve Newburgh's coastal resources while expanding their use, including:

- The Waterfront Gateway District was created to better connect the Downtown area with the Waterfront, and is proposed to be expanded.
- The streetscape design standards would create the physical connection needed between Lower Broadway and the Waterfront area.
- All new construction in the Planned Waterfront District would be required to obtain Site Plan Approval from the Planning Board, which would further regulate new development and ensure its success and compatibility with the LWRP.
- All lots having the Hudson River as their boundary would be required to provide public access to the river's edge in the form of a Waterfront Walkway. This walkway would connect private development along the water and City residents and visitors. Public access to the waterfront would create more opportunities for waterfront recreational activities and would increase pedestrian utilization of the area.
- Scenic Viewshed Protection regulations included in the Proposed Action would help protect the views that are central to the City's character.
- The Proposed Action also includes design standards that require new development to complement existing topography by avoiding the use of large retaining walls and other features that prevent a building from interacting with the pedestrian realm.

iv. Newburgh Waterfront Charette (2007)

In 2007, a weeklong public planning process (charette) for 30 underdeveloped acres of downtown Newburgh was held. Andres Duany, an urban planning pioneer, led a team of experts assembled by developer Leyland Alliance through a series of public forums to discuss what should be built on the sites. The charette resulted in public consensus of a detailed illustrative master plan for the area. The plan called for connecting the waterfront with the downtown to create a livelier, mixed-use environment that features a variety of housing types, commercial and civic structures, parks and recreational spaces, and opportunities to better accommodate pedestrian and bicycle traffic.

The Proposed Action promotes mixed-use districts within the city to encourage economic development. More specifically, the Planned Waterfront District (PWD), proposed to be expanded, was established with the goal of revitalizing the waterfront, addresses the goals and design ideals presented in the 2007 Waterfront Charette Master Plan. The Proposed Action allows for a broad mix of uses along the waterfront, including housing, commercial, cultural and open space. The Shopfront building type defined in the PWD Form-Based District was developed to provide a pedestrian oriented experience with retail or office uses on the ground-floor and upper floors typically designed for residential, hospitality and employment uses. Both the Shopfront and Midrise building types, which are common structural defining characteristics of an urban downtown, have maximum building heights of six stories within the PWD. Public access to the Hudson River is promoted through the provision of a Waterfront Area and Waterfront Walkway open to the public with all lots bordering the Hudson River. Streetscape standards along commercial and mixed-use streets help enhance street life by permitting outdoor dining areas, public art, benches and pocket parks. In addition, signage requirements were developed to improve the visual environment, thereby enlivening the resident and visitor experience. All of these regulatory provisions included in the Proposed Action help create the community character envisioned for the Waterfront by the charette.

v. Liberty-Grand Street Heritage Corridor (2007)

A public visioning process and workshop was conducted in 2006 to help provide an understanding of what participating members envisioned as appropriate for the future of Newburgh's Liberty-Grand Street Corridor. The goal of the process was to provide guidance for future planning actions and establish design standards with images that could be directly incorporated into any future planning recommendations. As part of the process, a guidance document was prepared entitled A Shared Vision for the

Future: Liberty-Grand Street Heritage Corridor Visioning Results and Recommendations. This vision was consolidated into guidance focused on street type options, the pedestrian realm, corridor signage, parks and open space, and off-street parking alternatives.

The Liberty-Grand Corridor is included within the Downtown Neighborhood Form-Based District. The Downtown Neighborhood District allows various building types, including the Shopfront, Midrise, Rowhouse and Civic form, which can be found along Liberty and Grand Streets. The building forms promote mixed-use and higher density commercial and residential structures that would reflect the historic development patterns of the area and help highlight the cultural assets within the corridor. The streetscape requirements along secondary commercial and mixed-use corridors would further enhance activity in the public realm to accommodate pedestrian activity and allow for more street trees and amenities such as benches and outdoor café seating. The Liberty-Grand Street Heritage Corridor

Vision also highlights the importance of developing design standards for commercial signage. To accomplish this, the Form-Base Code provides the guidelines necessary for more appropriate signage that improves the experience of place. Band, blade, shingle and awning signs would better identify, direct, and guide local pedestrians and visitors. Although the new zoning does not specify regulations regarding mixed-use parking facilities, it does prohibit off-street parking in front of a principal building, which will help decrease the exposure of parking facilities and create more attractive, pedestrian oriented spaces. Finally, the various design standards outlined in the Form-Based Code would preserve the local character of the historic corridor, by regulating architectural building elements and features, and building materials. The Liberty-Grand Corridor is included in the Historic Overlay District, which would protect, enhance and perpetuate the historic and community character qualities of this heritage corridor.

vi. Newburgh Area Transportation and Land Use Study (2012)

The Newburgh Area Transportation and Land Use Study was conducted between 2008 and 2011 by the Orange County Planning Department on behalf of the Orange County Transportation Council. The study area included the City of Newburgh and the four nearby Towns of Newburgh, New Windsor, Montgomery and Cornwall and the Villages of Walden, Montgomery, Maybrook and Cornwall-on-Hudson. The goal of the study was to identify priorities for creating integrated solutions for transportation and land use within the northeastern portion of Orange County by enhancing mobility and preserving quality of life and the environment.

The Proposed Action encourages transit-oriented, pedestrian-friendly development by recognizing existing patterns of development and allowing for a greater number of mixed-use districts and buildings. The districts and regulations in the Zoning Code Update are consistent with the many recommendations of the Newburgh Area Transportation and Land Use Study that emphasize transportation improvements coordinated with land use patterns. The design, streetscape and signage standards in the Form Based Districts connect neighborhoods through a network of well-designed sidewalks. Some of the land use recommendations outlined by the Study are more specifically addressed in the Broadway Corridor District. The Proposed Action addresses these recommendations by promoting a concentration of activity in the William Street corridor and providing the opportunity for a more pedestrian friendly streetscape.

vii. Orange County Design Manual (2011)

The Orange County Design Manual was published by the Orange County Planning Department, the Regional Plan Association and the Lincoln Institute of Land Policy with support from the Orange County Water Authority. The Manual explores smart growth and the design aspects behind it, and provides tools and strategies to help local communities implement the designs. . The Manual provides best-practices that help answer the where, what and how of community growth and presents

designs based on the smart-growth objectives of protecting and enhancing the environment, maximizing and managing connectivity, and creating pedestrian oriented, mixed-use neighborhoods.

b. CONSISTENCY WITH LAND USE AND COMMUNITY CHARACTER

This subsection identifies potential changes to land use and community character as a result of adopting the Proposed Action.

i. Land Use

In 2015 the zoning code was changed to shift the City away from a code for single-use development within a given parcel, and greatly expanded flexibility for property owners. The 2015 Zoning Code Update creates mixed-use districts in the downtown and waterfront areas, as well as a Neighborhood Commercial Overlay District, which allows commercial uses in select portions of otherwise residential zoning districts. By amending the allowed land use in these areas, the proposed changes promote local neighborhood economic development and provide residents with access to local amenities within walking distance from their homes.

In several areas, the intent of these changes was not fully realized, and the proposed action is to bring those areas into better alignment with the intent of that 2015 zone change, and align the zoning code with the Future Land Use Plan.

The proposal to upzone the William Street area to a greater density with Commercial Overlay, was defined by the Future Land Use Plan and was intended in the 2015 zoning update, but never fully realized in the 2015 Zoning Map.

The areas that were designated as Open Space in the 2015 code, were never defined, and therefore, in order to align with the Future Land Use Plan, they have either been absorbed by their respective surrounding zones, or zoned Conservation Development (CDD). This CDD district would allow residential uses, subject to the preservation of important environmental features. Per proposed CDD regulations, future use of these parcels would be restricted to residential use, must set aside 50 percent of the site as open space, and must protect each site's unique and valuable environmental features.

The areas that were designated as Institutional in the 2015 code, were never defined, and therefore, in order to align with the Future Land Use Plan, they have either been absorbed by their respective surrounding zones.

Areas that have been designated as Parkland by the City of Newburgh have now been correctly mapped as parkland in the zoning.

Areas previously designated Utility have been rezoned as Right-of-Way (ROW) and the zone has been more clearly defined within the code.

With the exception of the changes noted above, the Proposed Action would not change the current land use, or currently allowed land uses, for the majority of the City, which are zoned for predominantly residential uses. As described above, the major change with regard to the residential districts is a ‘right-sizing’ of the minimum lot size and other ‘bulk’ regulations. In reality, this change in minimum lot-size would not affect the overwhelming majority of the City, which is already developed and subdivided. Rather, the proposed zoning would make the vast majority of the City’s parcels ‘conforming’ lots with regards to the zoning requirements, which would help streamline the review process for any future land use applications. Because the proposed revisions to lot and area requirements for residential parcels would only bring current zoning code regulations in compliance with the existing developed environment, it is not anticipated that an increase in density would occur. In addition, development applications within the PWD, CDD, DND and WD that meet certain other regulatory thresholds would be required to provide a site specific SEQRA analysis, which would evaluate the impact of those proposals on a case by case basis.

ii. Community Character

The Proposed Action is expected to create a more visually appealing, unified, mixed- use downtown and waterfront, which would improve the overall community character of the City. The regulations and standards developed for the Form-Based Districts build on the existing form within the City. Included in the proposed Code are design standards that regulate architectural features, building materials, and street signage, all aimed to preserve and enhance the architectural character of the City. These guidelines also regulate the specific building types allowed in each district such as the Shopfront that has a high percentage of glazing on the first floor and a prominent entrance to promote pedestrian oriented retail. These standards would help ensure a cohesive development pattern for Newburgh.

The Historic and Architectural Design Overlay districts would continue to protect and enhance the historic and architectural elements key to Newburgh’s identity. Similarly, maintaining natural and environmental resources is essential to the quality of life and attractiveness of the City. The Proposed Action includes provisions designed to preserve these features, such as the Waterbody Protection Overlay District, Conservation Development District and the Hudson River Waterfront Public Access standards. These provisions are expected to improve the community character of the City and help ensure that it develops into a walkable and vibrant downtown and waterfront.

c. HISTORIC AND CULTURAL RESOURCES

The Proposed Action maintains both the East End Historic District and the Colonial Terraces Architectural Design Overlay District with the same boundaries as the City’s current zoning. The purpose of these districts are to designate, protect and enhance the landmarks, historic districts and architectural districts, which represent distinctive elements

of the City of Newburgh's historic architectural and cultural heritage; foster civic pride in the accomplishment of the past; protect and enhance the City of Newburgh's attractiveness to visitors, thereby supporting and stimulating the local and regional economy; and ensure the harmonious, orderly and efficient growth and development of the City of Newburgh. There is no change in the design guidelines or in the boundary of the District. Based on the Zoning Advisory Team's guidance, the review process under the proposed zoning is very similar to the current process. The Architectural Review Commission (ARC) is in place to act as a review board to prevent construction, reconstruction, alteration or demolition that would be out of harmony with the historic and architectural character of the District. Changes to the regulations are limited, and serve only to optimize the process.

d. POTENTIAL IMPACTS FROM AN INCREASE IN POPULATION OR COMMERCIAL/INDUSTRIAL DEVELOPMENT

The Proposed Action is an update to the Zoning Code and Zoning Map. As a policy document, the Proposed Zoning Code Update would not have any specific physical impacts on the environment. Rather, it sets the stage for potential land use changes within the City, as described above. Development projects requiring a discretionary action by the City's review boards, (i.e., Site Plan approval, a variance, a Certificate of Appropriateness) would still require a site-specific environmental review that would analyze site-specific environmental impacts, including those to traffic and transportation, air, noise, surface and groundwater resources, and waste water treatment. Nevertheless, it is appropriate to analyze the potential environmental impacts that development under the proposed zoning may have at a generic level.

In the sections below, a generic review of the potential environmental impacts associated with the proposed changes to the zoning code are presented. For this review, it is important to keep in mind the change in Newburgh's population over time. As noted above, the City of Newburgh's population in 2010 was approximately 10 percent lower than its peak of 31,956 around 1950. Between 2000 and 2010, the City's population grew approximately 2 percent. If the City's population continues to grow at that rate, by 2030, it would just reach 30,000 residents. Recognizing that population growth is a function of market forces, as well as allowable density of development, it is reasonable to conclude that even with the adoption of the Proposed Action, Newburgh's population is unlikely to reach its 1950 peak in the next decade or two. Therefore, it is also likely that the infrastructure that served the City's peak population, much of which is still in place today, would be adequate to serve the City's population over the next several years. Long range planning to repair, replace and expand the City's sewage and stormwater systems has begun; it is well-recognized that concurrent with future development funding for, and plans to implement improvements will be required and must be executed.

The Proposed Action would, however, increase the residential development potential of a few areas within the City in two ways. First, the Proposed Action would allow residential uses in locations within the City that currently do not have residential uses and are not currently zoned to allow residential uses. These areas include the Planned Waterfront District, the Conservation Development District, the southwest portion of the Broadway

Corridor district, and the southeast portion of the Downtown Neighborhood District. Second, the Proposed Action would increase the residential density allowed in the Waterfront Gateway and Broadway Corridor. Lots in these two districts that are currently vacant or substantially underutilized would be likely to experience more residential development if the Proposed Action is adopted than under the current zoning, because residential uses are not currently allowed as-of-right. Existing buildings in these districts, however, are not likely to be replaced with new buildings as a result of the Proposed Action. Therefore, the Proposed Action is not likely to cause an increase in residential density within portions of these districts that are already developed. In addition, applications for development within these districts would be required to undertake site-specific environmental review, which would analyze potential growth inducing aspects on a cumulative basis. Analyzing the potential growth impacts on a case by case basis provides a substantially more reliable conclusion because the data is collected and presented concurrent with the existing baseline conditions of the City at the time the proposal is presented, eliminating speculative decision-making.

i. Community Services

As stated above, the adoption of the Proposed Action would not allow more residential development in the majority of the City. The proposed Zoning Code Update would increase the amount of residential density allowed in a few specific areas, which may result in an increase in demand for provision of police, fire, and/or EMS services. Potential increases in staffing required by new development are expected to be offset by increases in property and other taxes and fees payable to the City. In addition, development applications within the proposed downtown zoning districts would be required to prepare a site-specific analysis of the impacts of the development on the ability of the emergency service providers to accommodate increased demand. Site-specific impacts of proposed development projects on emergency vehicle access, ingress and egress would be addressed during site plan review of a specific development proposal.

The City of Newburgh is served by the Newburgh Enlarged City School District. In the 2012-2013 school year the district served 11,028 students, a decrease of 15 percent from a peak of 12,716 students in 2003-2004. Any increase in residential population resulting indirectly from the Proposed Action would not be expected to cause enrollment in the school district to reach its 2003-2004 peak (1,700 students). Therefore, the Proposed Action would not be expected to cause an adverse impact to the operation of the school district.

ii. Transportation

There would be no major impacts to transportation under this Proposed Action. All development within these districts would require a site-specific environmental review. This review would analyze the impacts to specific intersections and specific roadways from a specific development. Because the development program for any future action within these districts could vary widely (residential, commercial,

hotel, office, institutional), it would not be instructive to analyze a single ‘best guess’ scenario, nor is it practical to analyze the impacts of dozens of scenarios.

iii. Water Supply

The City’s water filtration plant has the ability to treat approximately 8.85 million gallons of water per day (MGD). In 2020, the average daily demand was 2.8 MGD. In addition, the City has an emergency connection to the NYC Catskill Aqueduct if needed. As the Proposed Action would not cause the City’s demand for water to more than double, no impacts to the supply of domestic water are anticipated from the proposed zoning. Further, the areas of the City that are proposed for increased residential density (waterfront, Broadway Corridor) have adequate water pressure to serve future growth.

iv. Sanitary Sewer Service

The City of Newburgh discharges its sanitary sewage to the Newburgh Wastewater Treatment Plant (WWTP), which also serves the Town of Newburgh. The plant has a current capacity of 9 MGD and in 2020 had an average daily flow of 6.6 MGD. Approximately 3.8 MGD of that daily use is reserved are reserved by the Town of Newburgh. Therefore, the City could discharge approximately 2.4 MGD more sanitary waste to the WWTP than it currently does on a dry-weather day. As the Proposed Action does not contemplate development resulting in a doubling of sewage discharge, it is unlikely to affect the ability of the WWTP to treat Newburgh’s sanitary sewage.

However, there are currently capacity constraints on the City’s north interceptor sewer line that limit the amount of additional flows it is capable of handling, especially in a wet weather, or storm, event. This interceptor line serves much of the Waterfront Gateway and Planned Waterfront District. This is a current issue for the City of Newburgh and not an impact that would result from the adoption of the Proposed Action. Substantial development in the Waterfront Gateway and Planned Waterfront District would be subject to the resolution of the north interceptor capacity issue. This issue would be addressed during site plan and environmental review for proposed projects in these districts.

v. Build Out Analysis

In order to assess the full environmental impacts of an update to zoning, a build-out analysis was performed to anticipate the future water and sewer capacity needs of the City of Newburgh.

A build-out is an exercise that imagines that every piece of land is rebuilt to its fullest density allowed by zoning. Therefore, if all current structures were rebuilt to their highest density, and all open or vacant land that is not protected by some sort of restriction (parks or preserved open space) were built to their highest density,

Newburgh would have a certain number of dwelling units and square feet of commercial and industrial space. These figures will have an effect on the capacity of services such as schools and libraries, and on water and sewer infrastructure. Newburgh is a built-out city with limited vacant and undeveloped land. It is assumed that the majority of the structures that are currently constructed will remain, even with changes in zoning, so an additional amended build-out was done to analyze only the effects on those parcels that are vacant, undeveloped, or underdeveloped.

Assumptions and Calculation Methodology

The build-out was performed assuming that every parcel would be built to the highest density allowed by its zone. The following table summarizes the assumptions applied.

Zone	Minimum Lot Size (sq. ft.)	Maximum Lot Coverage	Dwelling Units Calculated By	Percent Residential
Broadway Corridor (BC)	1500	75%	Remaining Lot Area divided by 750 sq. ft.	60%
Conservation Development District (CDD)	2000	50%	Remaining Lot Area divided by 3000 sq. ft.	100%
Commercial or Industrial (CD or IND)	N/A	60%	N/A	0%
High Density Residential (RH)	2000	55%	Remaining Lot Area divided by 500 sq. ft.	100%
Low Density Residential (RL)	2500	N/A	Maximum 3 Dwelling Units per Parcel	100%
Medium Density Residential (RM)	2500	N/A	Maximum 4 Dwelling Units Per Parcel	100%

With these assumptions, calculations were made as follows:

Residential parcels included in the analysis were first required to meet the minimum lot size requirements in order to be considered developable. Accordingly, this analysis does not account for any variances in use allowances, bulk requirements, or area requirements that might be granted for residential development. Dwelling units were calculated based on the column above named “Dwelling Units Calculated By”. RL and RM parcels were assumed to be developed according to maximum units. Calculations for RH, BC, and CDD dwelling units were based on square footage. For BC parcels, the percentage of residential development allowed (as opposed to commercial development, noted below) was taken into consideration.

CD and IND square footage developable was calculated by dividing the lot area by the most common maximum lot coverage allowance for these zones. BC

commercial square footage was based on a 40% commercial allowance, and maximum lot coverage allowances for that zone.

Full Build Out Results

The Full Build-Out assumes that every parcel zoned as one of the uses included in the above table will be rebuilt to its maximum allowable density. This Full Build-Out scenario is considered highly unlikely, and is not reflected in current or historic building patterns, or in current or historic population growth. Population is calculated by multiplying the number of dwelling units by the average household size according to the 2010 Census (3.09 persons per household). Under those conditions, the following Full Build-Out statistics are as follows:

11,670,150	Total Square Feet Commercial and Industrial space
16,679	Total Dwelling Units, resulting in
51,539	Total Population

Amended Build Out Results

The Amended Build-Out assumes that all parcels currently built on would remain, and that only those parcels that are Vacant, Parking Lots, Urban Renewal properties, or Storage Yards would be redeveloped to their maximum allowable density. This scenario is considered more likely and more reflective of historic density and population growth. However, it is still unlikely that this scenario would be fully realized in the next 20 years. Under these conditions, the Amended Build-Out statistics are as follows:

4,615,181	Additional Square Feet Commercial and Industrial space
1,832	Additional Dwelling Units, resulting in
5,663	Additional Residents

Outcomes

The ability of the City of Newburgh to support the future demands under a full or amended build-out has capacity issues relating to all City services, but especially to its wastewater and drinking water infrastructure. New development under these new zoning conditions must ultimately be done in conjunction with careful monitoring of all city services to ensure that adequate services can be provided. Understanding the discreet capacity constraints for Water and Sewer Service, calculations were prepared to see if the City has the capacity to meet development under each build-out scenario. The City has the following capacities associated with its wastewater and drinking water facilities:

Wastewater Treatment Capacity: 9 million gallons per day total dry weather capacity; with 3.8 Million gallons per day reserved for Town of Newburgh. Current average daily flows are 6.6 million gallons per day.

Drinking Water Filtration Capacity: 8.85 million gallons per day of production capacity at the City's filtration plant with upgrades that are fully funded and currently in the design phase. Current average daily demand is 2.8 million gallons per. The City switched from its primary source water reservoir, Washington Lake, to the NYCDEP Catskill Aqueduct in June of 2016 due to contamination issues caused by runoff from Stewart Airport. Although source water costs vary depending on withdrawal rates, the withdrawal capacity of source water far exceeds the available pumping capacity to transfer the source water from the withdrawal location to the City's filtration plant for treatment. The available pumping capacity is approximately equal to the filtrations plant's capacity of 8.85 million gallons per day. Note: The previously prepared 2012 Safe Yield Study limits the City's reservoir system's daily yield to 6.2 million gallons per day during drought periods, or 8.5 million gallons per day during non-drought periods. The City currently does not have plans to return to Washington Lake as a source of drinking water.

The residential build-out would result in the following water and wastewater daily uses, given the assumptions that:

- There will continue to be 3.09 people per household, as per the 2010 US Census.
- Each residential bedroom will result in 120 gallons of water use per day.
- Each person will result in 110 gallons of wastewater per day.

Residential Water and Wastewater Usage						
	Existing Dwelling Units	New Dwelling Units	Total Dwelling Units	Total Potential Residents/ Beds	Water Gallons Per Day, Res	Wastewater Gallons Per Day, Res
Full Build-Out*	0	16,679	16,679	51,539	6,184,706	5,669,314
Amended Build-Out	9,363	1,833	11,196	34,595	4,151,430	3,805,477
*Full Build-Out Scenario assumes there is no existing dwelling units or commercial square footage, and that all is new.						

The commercial/ industrial build-out would result in the following water and wastewater daily uses, given the assumptions that:

- Water will be used at a rate of 25 gallons per day per 200 feet of commercial space.
- General use/ warehouse use will generate 15 gallons of wastewater per worker or 200 square feet of space.
- Restaurants will generate 35 gallons of wastewater per seat, or 25 square feet of space.
- Restaurants will continue to account for 4% of City commercial square footage.

Commercial/ Industrial Water and Wastewater Usage						
	Existing Commercial/ Industrial Sq Ft*	New Commercial/ Industrial Sq Ft	Total Commercial/ Industrial Sq Ft	Water Gallons Per Day	Wastewater Gallons Per Day, Warehouse	Wastewater Gallons Per Day, Restaurant
Full Build-Out	0	11,670,151	11,670,151	1,458,769	840,251	653,528
Amended Build-Out	6,735,290	4,615,181	11,350,471	1,418,809	817,234	635,626
*Full Build-Out Scenario assumes there is no existing dwelling units or commercial square footage, and that all is new.						

Residential, Commercial, and Industrial Water and Wastewater, Capacity v. Need (gallons / day)					
	Existing Demand*	Existing Capacity*	Full Build-Out Need	Amended Build-Out Need	
Wastewater	6,600,000	9,000,000	7,163,093	5,258,338	
Drinking Water	2,800,000	8,850,000	7,643,475	5,570,239	
*Without planned upgrades and with reductions for capacity allotted for neighboring communities.					

5. CUMULATIVE IMPACTS

The State Environmental Quality Review Act (SEQRA) requires that the cumulative impacts of one or several actions be considered together. The Proposed Action contains a number of revisions to land development regulations that, when taken together, would provide a greater protection of community character and natural resources than currently exists. The potential effect on the environment from these amendments would not result in impacts when considered independently or cumulatively. The cumulative impact of the amendments is to bring land use regulation into accord with Newburgh's current planning documents and studies as well as development practice given the conditions within the City of Newburgh. Given the mandate to protect the community character and environmental quality of the City of Newburgh, the City's approach to zoning and environmental regulation is justified and in keeping with the objectives of the City's Land Use Plan and other local and regional planning principles.

6. CONCLUSION

The Proposed Action would implement the recommendations of the Future Land Use Plan and the other municipally-approved planning documents through the adoption of a new Zoning Ordinance and Map. As such, it is consistent with the City's desired planning goals and land use patterns. The Proposed Action would not result in significant adverse environmental impacts. It would increase the protection of the City's natural resources, including its steep slopes, floodplains, streams, and lakes. It would require public access to the waterfront in any proposed development, and would protect the scenic views that make the City so unique. The adoption of the Proposed Action would mark a turning point for the City of Newburgh by articulating a clear, feasible, and beneficial path for future development within the City.

ORDINANCE NO.: 10 - 2020

OF

NOVEMBER 23, 2020

**AN ORDINANCE AMENDING CHAPTER 300 ENTITLED “ZONING” OF
THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH AND
ADOPTING A REVISED ZONING MAP FOR THE CITY OF NEWBURGH**

SECTION 1. Amendment

WHEREAS, by Ordinance No. 10-2015 of July 13, 2015, the City Council of the City of Newburgh adopted Chapter 300 of the Code of the City of Newburgh entitled “Zoning”, as well as zoning map of the City of Newburgh; and

WHEREAS, since the adoption of Chapter 300 in July 2015, the City noted errors in the Zoning Map, Zoning Code, and noted conflicting or oppositional statements in the implementation of the zoning adoption; and

WHEREAS, in 2019, the City began to draft changes to the code and worked on updating the corresponding mapping; and

WHEREAS, City staff presented a draft zoning code and zoning map revision to the City Council on September 14, 2020 to correct a number of known errors in Chapter 300 of the Newburgh City Code and the current Zoning Map, and make minor changes to Chapter 300 that support the implementation of the City’s existing, adopted planning documents and studies, including in particular the Future Land Use Plan; and

WHEREAS, after due notice, this Council held a public hearing on the draft zoning code and zoning map revision at a regular meeting of the City Council on September 28, 2020; and

WHEREAS, in compliance with the State Environmental Quality Review Act (“SEQRA”), the City Council of the City of Newburgh declared its intent to assume Lead Agency status, to classify the project as a Type I action, proposed to accept as complete a Full Environmental Assessment Form (“EAF”), and referred the proposed revisions to the Orange County Planning Department pursuant to General Municipal Law Section 239-m and other interested and involved agencies on or about September 18, 2020; and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh declared itself to be Lead Agency for the environmental review of the action, declared the proposed action a Type I action pursuant to SEQRA, accepted Parts 2 and 3 of the FEAF, and issued a Negative Declaration pursuant to SEQRA; and

WHEREAS, this Council having duly reviewed the draft zoning code, draft zoning map revision, the FEAF, and all public comments received in this matter;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 300 of the Code of Ordinances of the City of Newburgh, entitled “Zoning” is hereby amended as annexed hereto in Schedule A, as follows, and is made a part hereof; and

BE IT FURTHER ORDAINED, by the Council of the City of Newburgh, New York that a revised Zoning Map of the City of Newburgh is hereby amended and annexed hereto in Schedule B, as follows, and is made a part hereof; and

BE IT FURTHER ORDAINED, by the Council of the City of Newburgh, New York that the Schedule of Use Regulations table found in Chapter 300 of the Code of Ordinances of the City of Newburgh, Section 300-31(B), and the Schedule of Bulk, Area and Parking Regulations found in Chapter 300 of the Code of Ordinances of the City of Newburgh, Section 300-32, are hereby amended and annexed hereto in Schedule C, as follows, and is made a part hereof.

SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term “Ordinance” shall be changed to “Chapter”, “Section”, or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity.

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

SECTION 5. This ordinance shall take effect on January 1, 2021.

PROPOSED CHANGES
CHAPTER 300 (ZONING) OF CITY OF NEWBURGH CODE OF ORDINANCES

Article II
Definitions and Word Usage

§ 300-6. Word usage; terms defined.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural the singular. The word "shall" is intended to be mandatory, while "should" is not; and "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." In general, this chapter uses the word "permitted" to describe an action that requires a permit and "allowed" when a permit is not required.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACTIVITY FACILITY — A business which, for compensation, offers indoor recreational activities, such as dance, martial arts, arts and crafts, musical or theatrical instruction, children's gyms and play centers, and other places of public or private entertainment. Activity facilities shall not include facilities intended primarily for spectator activities, such as, but not limited to, stadiums and arenas, automotive tracks, bowling alleys, parlors or amusement parks.

ADULT DAY-CARE FACILITY — An establishment which provides day-care services for hire to adults who, by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, are unable or substantially unable to live independently without supervision.

ADULT USES — An adult bookstore, adult motion-picture theater, or adult entertainment cabaret, as defined herein.

- (1) **ADULT BOOKSTORE** — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, or other periodicals, films, slides and videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or exposing specified anatomical areas as defined below.
- (2) **ADULT FILM THEATER** — An enclosed building used primarily for presenting material in the form of motion pictures, films, slide shows or videotapes distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual activities or exposing specified anatomical areas.
- (3) **ADULT ENTERTAINMENT CABARET** — A building or portion thereof regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of sexual activities or specified anatomical areas for observation by patrons therein.

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AGRICULTURE — An activity which includes the cultivation of the soil for food products or other useful or valuable growths of the field or garden, nursery stock and commercial greenhouses, but does not include dairying, raising of livestock, breeding or keeping of animals, fowl or birds where the same is carried on as a business or gainful occupation. Agriculture includes also the sale at retail of farm, garden or nursery products produced on the premises.

AMUSEMENT CENTER — A place of business wherein three or more coin-operated machines, games of skill or chance or other machines of a similar nature are available for use or play by the general public.

ANIMAL CARE CENTER — Any building or portion of a building designed or used for the care, observation, or treatment of domestic animals, or for the keeping, breeding or boarding for compensation of dogs, cats, or other domestic animals, when such boarding is for more than three consecutive hours.

APARTMENT, ACCESSORY — A self-contained residential dwelling unit, clearly incidental and secondary to the principal dwelling of which it is a part, having a separate entrance and containing separate cooking, eating, sanitation and sleeping facilities for the exclusive use of the occupant, in a one-family dwelling, or in a separate accessory structure on the same lot as a one-family dwelling.

APARTMENT HOUSE (same as "multifamily dwelling") — A residential building that contains more than four dwelling units, with one primary entrance to access all dwelling units contained therein. An apartment house may include accessory uses shared by residents of the apartment house, including recreational facilities, laundry rooms, parking, seating areas and open space for the exclusive use of residents residing in the complex.

ASSEMBLY HALL/BANQUET HALL — Buildings in which the primary or intended occupancy or use is the assembly for amusement, athletic, civic, dining, educational, entertainment, political, recreational, religious, social, or similar purposes, except an assembly hall shall not include any use defined elsewhere herein, in which kitchen facilities may or may not exist.

AUTOMOBILE GASOLINE STATION — Any building or land area used for the retail dispensing or sales of automobile fuels, which activity may be accompanied by accessory uses, such as sales of lubricants, tires, accessories or supplies, and prepackaged food items and tangible consumer goods, primarily for self-service by the customer.

AUTOMOBILE SALES — Any building, land area or other premises used for the display, sale or lease of new or used automobiles, vans, trucks, trailers, or boats, but not including any repair work. Such facilities may not conduct repair services as an accessory use other than warranty or other minor repair service.

AUTOMOBILE-SERVICE/REPAIR — Any area of land, including structures thereon, available to the public, operated for gain, and which is used for repair, greasing, washing, servicing, adjusting or equipping of automobiles or other vehicles.

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AUTOMOBILE WASH — Any building or land area, the use of which is devoted to the business of washing or waxing automobiles for a fee, whether by automated cleansing devices or otherwise.

BANK — A financial institution that is open to the public and engaged in deposit banking, and that may perform closely related functions, such as making loans, investments, and fiduciary activities.

BAR — A commercial establishment, open to the general public, which sells and serves alcoholic beverages for consumption on the premises and where food may be served as an accessory use. The term "bar" includes "barroom," "wine bar," "tavern," "pub," and "saloon."

BASEMENT — A story that is wholly or partly below grade, but at least 1/2 of its height, measured from floor to ceiling, is above the average established curb level or finished grade of the ground adjoining the building.

BED-AND-BREAKFAST — A lodging facility in an owner-occupied dwelling, offering from two to five guest rooms, without separate kitchen facilities, for paying, transient guests for a period not to exceed 15 consecutive days per guest. A dining room and kitchen may be provided for serving guests of the facility, but shall not be open to the public. An Airbnb rental is a variant of this use. "Short-term, in-home lodging" shall apply for one room for up to three paying guests.

BILLIARD PARLOR — A building, or portion thereof, having within its premises three or more pool tables, billiard tables, or a combination thereof.

BOARDINGHOUSE — An owner-occupied dwelling unit, with nontransient boarders, and with common rooms used and accessible to all residents, within which are boarding units that are rented individually and occupied for sleeping and/or living purposes to nontransient occupants. A boardinghouse shall not be considered a rooming home.

BOARDING UNIT — Any room or group of rooms forming a habitable unit used or intended to be used for living or sleeping but not used for cooking purposes.

BOAT REPAIR — A facility where boats are repaired and may be stored.

BOWLING ALLEY — Indoor facility for the sport of bowling, with customary accessory uses, such as snack bars.

BUILDING — (Includes "structure.") Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

BUILDING, ACCESSORY — A building, the use and size of which is incidental to, and complementary of, the principal building on a lot.

BUILDING FRONT LINE — The line of the face of the building nearest the front lot line. The face includes covered porches, but does not include steps.

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BUILDING, MAIN (PRINCIPAL) — The building in which is conducted the primary use of the lot on which it is located.

CABARET — Any room, place, or space in which any musical entertainment, singing, dancing, or other similar amusement takes place in connection with a bar and/or restaurant, except for an adult cabaret.

CAR RENTAL — A business that rents vehicles to persons or businesses for use on a transient basis. The business may include on-site facilities for servicing, storing, repairing, and fueling the vehicles.

CELLAR — That space of a building that is partly or entirely below grade which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CEMETERY — A place used for the interment of human or animal remains or cremated remains.

CHILD DAY-CARE CENTER — A facility, that is not also a dwelling unit, that provides care for infants and preschool children, and may offer prekindergarten educational service, on a regular basis for more than three hours per child and is defined in 18 NYCRR Part 413 and regulated in accordance with 18 NYCRR 418.

COLLEGE/UNIVERSITY — An institution for post-secondary education, which is licensed by the State of New York to grant associate, baccalaureate, or higher degrees.

COMMERCIAL LAUNDRY — An establishment that launders and/or dries articles for commercial and not individual customers.

COMMUNITY CENTER — A place, structure, area, or other facility used for providing religious, fraternal, social, educational, or recreational programs generally open to the public, not operated for profit, and designed to accommodate and serve significant segments of the local community.

COOPERATIVE HOUSE — A dwelling unit that is rented as a singular unit and not occupied by a family, as defined in this chapter, within which are two or more boarding units occupied for sleeping and/or living purposes by nontransient occupants. A cooperative house shall not be considered to be a rooming house.

COTTAGE INDUSTRY — A use that is conducted wholly within an enclosed building that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packing of finished products predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Light industry is capable of operation in such a manner that does not cause a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building in which the activity takes place. Such a use may or may not contain retail space. A machine shop is included in this category. **COVERAGE, BUILDING** — The area that is covered by all of the buildings on the lot.

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CURB LEVEL — The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line. Where a building is on a corner lot, the curb level is the average of the mean levels of the curblines on the two intersecting streets. Where there is uncertainty about the curb level, it shall be determined by the City Engineer.

DISTRIBUTION FACILITY/WAREHOUSE — A facility involving the storage and the shipment of goods in allotments. This use does not involve the manufacture or sale of goods from the premises.

DORMITORY — A building intended or used principally for sleeping accommodations, where such building is directly related to an educational or public institution, or house of worship. Such building may include common kitchen and gathering rooms, but does not contain complete dwelling units.

DRIVE-THRU (BANK, FAST-FOOD RESTAURANT, PHARMACY) — An establishment that dispenses products or services to patrons who remain in vehicles.

DRY CLEANER — An establishment for the on-premises mechanical cleaning of garments, articles or goods of fabric for retail customers, or where dropoff and pickup occurs for garments or articles that are sent to another location for mechanical cleaning or laundering. A dry cleaning establishment does not include a laundry or laundromat, which provides self-service washing or drying for use by retail customers.

DWELLING — Any building or portion thereof designed or used exclusively for nontransient residential use.

DWELLING, DETACHED — A dwelling having no common walls, floors or ceilings with any other dwelling unit.

DWELLING, FOUR-FAMILY — A building containing four dwelling units only, on a single lot of record.

DWELLING, MULTIFAMILY — See "apartment house."

DWELLING, ROW OR ATTACHED (TOWNHOME) — A dwelling, having common walls with one or more dwelling units, also referred to as a "townhome." A row dwelling sharing one common wall shall be deemed an end unit. This term shall also refer to two dwellings sharing one party or lot line wall and commonly referred to as a "duplex."

DWELLING, SINGLE-FAMILY — A building containing not more than one dwelling unit and not having more than one kitchen on a single lot of record.

DWELLING, THREE-FAMILY — A building containing three dwelling units only on a single lot of record.

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DWELLING, TWO-FAMILY — A building containing two dwelling units only on a single lot of record.

DWELLING UNIT — A single unit with one or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family only.

FAMILY — One, two, or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

FAMILY DAY-CARE — A facility located in a residential structure, which is owner occupied as a family residence, that provides daytime care of more than three hours per day per child for three to 12 infants, preschool children, and school age children six to 12 years of age for compensation. A family day-care includes those day-care facilities defined by New York State in 18 NYCRR Part 413 as "family day-care home" and "group family daycare home." Such facility must be licensed by New York State and operated in accordance with all applicable regulations.

FLOOR AREA, BUILDING — The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FRONTAGE — The length of a lot that borders a single street.

FRONTAGE OCCUPANCY — The percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area of the front lot line and the maximum front yard setback.

FUNERAL HOME — The establishment of a funeral director or undertaker, which includes facilities for the conduct of funeral services, but not cremation.

GARAGE, PRIVATE — Part of a principal residential building, or an accessory building located on the same lot as the principal residential building, designed primarily for the storage of motor vehicles.

HEIGHT, BUILDING — The vertical distance measured from curb or grade level at the front of the building to the highest level of a flat or mansard roof or to the average height of a pitched, gable, hip or gambrel roof, excluding bulkheads, and similar constructions enclosing equipment or stairs, provided that they are less than 12 feet in height and do not occupy more than 30% of the area of the roof upon which they are located.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling or its accessory structures and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of dwelling for residential purposes and does not change the character thereof.

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HOSPITAL — An institution, licensed by the State of New York, which provides primarily transient or acutely needed human physical and/or mental health services and which includes inpatient facilities.

HOTEL — A building, or portion thereof, containing rooms occupied by transient guests who are lodged for payment, with or without meals, and in which there may be provided such services as are accessory and incidental to the use thereof as a temporary residence, such as dining, conference centers, recreational facilities and gift shops for the guests of the hotel.

HOUSE OF WORSHIP — A building, or portion thereof, together with its accessory buildings and uses, where persons regularly assemble for religious worship, services, and social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain ceremonies and purposes.

INDUSTRIAL USES — A business use or activity at a scale greater than home industry, involving the manufacture, fabrication, processing, reduction, assembly, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof.

IN-LAW APARTMENT — See "apartment, accessory."

LAUNDROMAT — A facility which provides self-service washing or drying for use by retail customers.

LIVE/WORK — A dwelling which is owner-occupied, and which provides a commercial ground floor space and residential space above, for the family, craft or business and retail space for creating sales.

LOT — (Includes "plot") A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

LOT, CORNER — A lot at the junction of, and having frontage on, two or more intersecting streets.

LOT, DEPTH — The mean distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT LINE — Any line dividing one lot from another or separating a lot from a street right-of-way line.

LOT, THROUGH — A lot having frontage on two streets, but not at the intersection of those two streets.

LOT, WIDTH — The mean distance of a lot measured at right angles to its depth, at the required setback line.

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MEMBERSHIP CLUB — An unincorporated association of persons for common social purpose or an association incorporated under the Membership Association Law, and which association or membership corporation is not conducted for profit and is not a part of, related to, or associated with a profit-making venture and which is managed by officers or directors, serving without pay and chosen or elected directly by members who form such an association or membership corporation.

MIXED USE — A development or a single building in which there may be a blend of uses, including residential, commercial, cultural, institutional, or industrial, where those functions are physically and functionally integrated; most prominently a ground floor with a restaurant, theater, or retail shop and offices and/or residential use above.

MOBILE HOME — A structure mounted on axles and wheels containing living facilities and which was designed to be towed by an automobile or truck from place to place. Such structure will not be considered a mobile home for purposes of this chapter if it is placed on a permanent foundation and modified to meet applicable building code requirements for a residential structure.

MOTEL — See "hotel."

MUSEUM — A building serving as a repository for a collection of natural, scientific or literary curiosities, objects of interest or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, together with customary accessory uses, including, for example, retail sale of goods to the public; cafe food service, art, dance and music performances, literary readings, and showing of films.

NEIGHBORHOOD RETAIL — A store serving the local retail business needs of the residents of the neighborhood, including but not limited to books, flowers, clothing, groceries, and pharmaceuticals.

NONCONFORMING LOT — Any lot lawfully existing on record on the effective date of this chapter, or any amendment thereto, that does not meet the bulk and area requirements of this chapter for the zoning district in which such lot is situated as a result of the enactment.

NONCONFORMING STRUCTURE — Any building lawfully existing on the effective date of this chapter, or any amendment thereto, that does not meet the bulk and area requirements of this chapter for the zoning district in which such building is situated as a result of the enactment.

NONCONFORMING USE — Any use lawfully existing on the effective date of this chapter, or any amendment thereto, that does not conform to the district use regulations of this chapter for the zoning district in which such use is situated as a result of the enactment.

NURSING HOME — An institution, licensed by the State of New York, which provides nursing care and related medical services on a twenty-four-hour basis to primarily nontransient clients for remuneration.

OFFICE PARK — A group of two or more principal buildings and their accessory uses, together with any open space remaining, located on one lot, which buildings have a unified site plan and shall be designed to function as one project. The buildings in an office park shall be occupied or used principally for businesses or professional offices that are designed, constructed, and maintained on a coordinated basis.

OPEN SPACE — That portion of the lot that is unencumbered by any structure or any other impervious surface.

PARKING AREA, COMMUNITY — A building, or part thereof, or a surface used for parking vehicles for remuneration.

PARKING SPACE — A space available for the parking of one vehicle.

PARKS, OPEN SPACE AND RECREATION — Those areas owned or used by the City, other public entity or government, or nonprofit organizations that are devoted to parks, playgrounds, recreation areas, nature preserves, or open space.

PERSONAL SERVICES — An establishment that is primarily engaged in frequent or recurring provision of individual services generally related to personal needs, and is not separately defined herein. These uses may also include accessory retail sales of products related to the service provided. Examples of personal services include but are not limited to: barbershops, nail salons, massage facilities, tailors.

PROFESSIONAL OFFICE — The office of a member of a recognized profession maintained for the conduct of that profession in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

PUBLIC UTILITY — Any person, firm, corporation, or governmental agency duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment, steam, cable television, telephone, or telecommunications but shall not mean any person or entity that provides wireless telecommunication services to the public.

RECREATIONAL VEHICLE — A vehicular unit, which is designed as a temporary dwelling for travel, recreational, and vacation use, and which is self-propelled, mounted on, or pulled by another vehicle. Examples include, but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van camper.

RESIDENTIAL CARE FACILITY — A supervised residential board and care establishment, used as a group residence or extended care facility for the care of persons, where compensation and/or reimbursement of costs is paid to an operator, pursuant to state or federal standards, licensing requirements, or programs funding residential care services. The residential care facility provides common eating facilities for residents and common meeting or social or recreation areas. Such housing may also include daily activity assistance, such as dressing, grooming, bathing, etc.

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RESTAURANT — Any establishment where the principal use is the preparation and sale of food and beverages to customers seated at a table or counter, served by a waiter or waitress, or at a buffet for consumption of the food on the premises. A restaurant may include the serving of alcoholic beverages and the provision of carry-out food service if they are incidental to the consumption of food and beverages. The term "restaurant" does not include a business whose principal operation is as a bar, cabaret, carry-out food service, or a fast-food establishment.

RESTAURANT, CARRY-OUT — Any establishment where food and/or beverages are prepared and served in a ready-to-consume state and whose design or principal method of operation includes one or both of the following characteristics: customers order from a menu board or serve themselves from a buffet and principally carry out their food and/or beverages for consumption off premises.

RESTAURANT, FAST-FOOD — Restaurants where most customers order and are served food inside the premises at a counter, to be taken to a table for consumption or in packages prepared to leave the premises. See "drive-thru" for where customers are served their food in a motor vehicle through a service window, in packages prepared to leave the premises.

RETAIL — A business that sells goods directly to the general public, for business, personal or household consumption, where such goods are available for immediate purchase and removal from the premises by the purchaser and are not defined elsewhere in this chapter. Retail businesses include but are not limited to hardware stores, liquor stores, newsstands, shoe stores, stationery stores, convenience stores.

RIGHT OF WAY – a legal right that allows for passage over another person's ground. As used in §300-21, a parcel of property over which pedestrians or vehicles may legally pass over or through for purposes of public travel.

ROOMING HOUSE — Any dwelling, other than a boardinghouse, within which are boarding units rented individually and occupied for sleeping and/or living purposes to nontransient occupants. No common rooms are provided for the use of the residents.

SCHOOL OF GENERAL INSTRUCTION (EDUCATIONAL SERVICES) — Any public school operated under the laws of the State of New York or nonpublic school offering courses in general instruction at least five days per week and seven months per year and generally serves students in grades corresponding to Pre-K through 12th grade.

SELF-STORAGE — A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for storage of personal property.

SETBACK — The horizontal distance from such lot line to the part of the building which is nearest to such line.

SHOPPING CENTER — An area planned, as a whole with one site plan approval, for occupancy by three or more retail stores, light industrial uses, or professional offices with common accessory parking, that are designed, constructed, and maintained on a coordinated basis.

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SHORT-TERM, IN-HOME LODGING FACILITY— Lodging for paying guests for no more than one room and no more than three guests and for no more than 15 days. (See "bed-and-breakfast.")

SIGN — Includes every sign, billboard, general sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee and canopy and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.

STORAGE YARD — A building or area of land where a person, firm or corporation engaged in the construction business, or a related field, stores building materials, equipment and supplies exclusively in the business as a contractor.

STORY — The portion of a building which is between one floor level and the next higher floor level, or the roof. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is six or more feet above the finished grade. A cellar shall not be deemed to be a story if unfinished and without human occupancy.

STORY, HALF — A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET — A public or private way which affords the principal means of access to abutting properties.

TATTOO PARLOR — Any building or premises in which a tattooist lawfully conducts his or her practice of marking a body with indelible ink or pigments.

TAXI SERVICE — A service that offers transportation in motor vehicles to persons for compensation. The business may include facilities for servicing, storing, and fueling the vehicles.

TECHNICAL SCHOOL — A school established to provide for the teaching of industrial, clerical, managerial, trade, or artistic schools.

THEATER/AUDITORIUM — A place of public assembly used for spectator presentations including movie or professional theater, indoor concert venue or other performance with temporary or permanent seating, for admission to which an entrance fee is received.

TOWNHOME — See "dwelling, row or attached."

TRAILER — Any vehicle without motive power, designed to be towed by a motor vehicle, except as defined elsewhere herein.

TRANSIENT — Temporary daily or weekly occupancy.

USE, ACCESSORY — A use that is clearly incidental to the principal use of a building or lot.

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WHOLESALE — An establishment primarily engaged in the display, storage, distribution and sale of merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for or selling to such individuals or companies. Such establishments are not generally open to the general public.

YARD (FROM REAR, SIDE) — The portion of the lot between the lot line and the required setback; or if no minimum setback is required the portion of the lot between the lot line and the facade of the building.

Article IV Land Use And Overlay Districts

§ 300-21. Establishment of districts.

For the purposes listed in § 300-4, the City of Newburgh is hereby divided into the following zoning districts:

A. Traditional zoning districts:

- (1) R-1 - Single-Family District – zone characterized by one, single-family dwelling per lot.
- (2) Residential - Low-Density (R-Low) – zone characterized by detached, single-family dwellings per lot, with allowances for two and three-family dwellings and other housing types, facilities and services that meet the needs of the community and residents, provided they are at a scale and density compatible with the landscape character in the zone.
- (3) Residential - Medium-Density (R-Med) – zone characterized by one to four-family structures and limited commercial uses that are functionally compatible with intensive residential use.
- (4) Residential - High-Density (R-High) – zone characterized by structures that accommodate large numbers of residential dwelling units in limited space in areas within easy pedestrian access to commercial areas and public facilities within the City.
- ~~(5) Planned Office District (PO).~~
- (5) Commercial District (CD) – zone characterized by primarily retail and service-related businesses, and under closely controlled conditions, light industrial uses that are frequented by the general public.
- (6) Conservation Development District (CDD) – as defined in Section 300-33.
- (7) Industrial District (IND) – zone characterized by commercial activity focused on manufacturing, packaging, storage/warehousing, or wholesale production of goods.

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(8) Right of Way (R-Way) – a parcel of property over which pedestrians or vehicles may legally pass over or through for purposes of public travel.

(9) Park – areas owned or used by the City, State, or other government entity for the purpose of being used as parkland, playgrounds, recreation areas, nature preserves, or open space.

B. Form-based districts:

(1) Broadway Corridor (BC) – as defined in Section 300-127.

(2) Downtown Neighborhood (DN) – as defined in Section 300-127.

(3) Waterfront Gateway (WG) – as defined in Section 300-127.

(4) Planned Waterfront District (PWD) – as defined in Section 300-127.

C. Overlay districts:

(1) In addition to these land use districts, the following overlay districts are hereby created:

(a) East End Historic District Overlay (EEH) – see generally, §300-36 through §300-45.

(b) Colonial Terraces Architectural Design District Overlay (CTA) see generally, §300-36 through §300-45.

(c) Waterfront Protection Overlay (WPO) – as defined in Section 300-46.

(d) Neighborhood Commercial Overlay (NC) – as defined in Section 300-47.

(2) Overlay districts do not change the use and dimensional requirements of the underlying land use districts, unless specifically so stated in this chapter. On any given parcel of land, more than one overlay district may apply.

§ 300-22 Zoning Map.

A. The location and boundaries of the zoning districts are established as shown on the Zoning Map of the City of Newburgh, attached hereto and made a part of this chapter.

B. Readoption of Maps. The Official Zoning Map shall be kept in the office of the City Clerk, the Building Inspector/Code Enforcement, and the Planning Department, and shall be reviewed for accuracy and updated at least once annually with any Zoning Map amendments adopted in the previous year by the City Council or its designee.

C. Zoning Map amendment. Changes may be made in district boundaries or other matter portrayed on the Zoning Maps only by zoning amendments adopted by the City Council. Such

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changes shall be noted by the City Clerk on the Official Zoning Maps promptly after the City Council adopts such an amendment.

- D. Final zoning authority. Each ordinance adopting an amendment shall be the final authority as to the current status of lands, structures and uses in the City.
- E. Authorized Map changes. Any unauthorized Map change made by any person shall be considered a violation of this chapter, punishable under Article XIV of this chapter.

§ 300-23 Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts, the following rules apply:

- A. Where district boundaries are indicated as approximately following or parallel to the center lines of streets or highways, or the boundaries of streets, highways, or rights-of-way, the district boundary shall be construed as following or being parallel to said center or boundary lines.
- B. Where a land use district boundary divides a lot line in a single ownership existing at the effective date of this chapter, the City Planning Board may grant a special use permit to allow the uses authorized and the district requirement of the less restricted portion of such lot to extend up to a maximum of 50 feet into the more restricted portion of the lot. This provision shall not apply to overlay districts.
- C. Where district boundaries are so indicated that they approximately follow lot lines in effect at the time of the effective date of this chapter, the district boundary shall be construed as following said lot line.
- D. Where the boundary of a district follows shorelines, streams, creeks and waterbodies, said boundary shall be deemed to follow such shorelines and, in the event of change in the shoreline, shall be deemed as moving with the actual shoreline.
- E. Where the boundary of a district follows shorelines, creeks, streams, lakes, or other bodies of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City, state or federal agency, unless otherwise indicated.
- F. Within the Water Protection Overlay District, where the overlay district is based upon natural features, such boundaries may be more precisely established through field investigation by a qualified professional.

§ 300-24 Higher standards to prevail.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements. Whenever the requirements of this chapter are at variance with the

requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

§ 300-25 through § 300-30. (Reserved)

**Article V
Land Use District Regulations**

§ 300-31 Allowable uses; accessory and mixed uses; change of use.

- A. Purpose. The use regulations in this article are intended to allow flexibility of land use to encourage business development that is consistent with the character and scale of the City of Newburgh. In reviewing applications for special use permits and site plan approval, the City Planning Board shall impose any conditions that may be necessary to ensure that a proposed use will be compatible with its surroundings. The City Planning Board shall deny any proposed use which does not satisfy the criteria in this chapter.
- B. Use restrictions and Schedule of Use Regulations. No structure or land shall be used except as provided in the Schedule of Use Regulations. In the event that a particular proposed use does not fit into one of the categories shown on the Schedule of Use Regulations, it shall be considered to be prohibited.

Schedule of Use Regulations Key

- P Designates a use permitted by right. Usually requires a building permit and a certificate of occupancy from the Building Inspector, but does not require review by any municipal board.
- P* Designates a use permitted by right subject to site plan review by the City Planning Board (Article XI)
- S Designates a use permitted by special use permit of the City Planning Board (Article XII)
- A Designates a use that is permitted as a use accessory to a use permitted by right, with site plan approval, or with a special use permit.

Schedule of Use Regulations [See Table]

- C. Prohibited uses. Any use, whether or not listed in the Schedule of Use Regulations, is prohibited if it does not satisfy the standards and criteria in §§ 300-31 and 300-129.
- D. Accessory uses. Uses customarily incidental and subordinate to principal uses shown on the Schedule of Use Regulations shall be allowed on the same terms as the principal uses, whether or not on the same lot, unless otherwise indicated on the Schedule of Use Regulations. Noncommercial recreational use shall be permitted as an accessory use in all districts.

- E. Mixed use. The City of Newburgh encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all special use permit and/or site plan reviews for the same project shall be consolidated into one proceeding before the City Planning Board for site plan approval.
- F. Change of use or structure. ~~A change of use is the initiation of a use that is in a different use category, as listed on the Schedule of Use Regulations, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category shall not be considered a change of use, unless the change would result in the expansion of any existing use or any change of use of a property or structure, enlargement or addition of a sign or an increase of more than 20% in vehicle trip generation as indicated in current trip generation rates contained in the publications Trip Generation or Trip Generation Handbook published by the Institute of Transportation Engineers (ITE).~~ A change of use is a change in the purpose or level of activity within a building that implicates a change in application of the requirements of the New York State Uniform Fire Prevention and Building Code or the requirements of this Chapter. The following exceptions shall not be considered a change of use: (i) a change of ownership, tenancy, or named occupant(s) of a property or building; (ii) a decrease in the number of units within a building provided the proposed purpose remains the same as the purpose allowed on a valid Certificate of Occupancy; (iii) an increase in the intensity of a one, two, three, or four-family structure by no more than a 20 percent increase in square footage and a 20 percent increase in the number of units proposed.
- (1) Uses by right (P). Any change of use of land or existing structures to a use permitted by right without site plan review (P on the Schedule of Use Regulations) shall not require approval from the City Planning Board or the Building Inspector. This shall not affect applicable requirements for obtaining building permits for construction or expansion of a structure from the Building Inspector under Chapters 121, 122, 125, and 126 of the Code of the City of Newburgh.
- (2) Uses by right subject to site plan review (P*). Except for one- and two-family dwellings on a single lot, any change of the use of an existing structure to a use permitted by right subject to site plan review shall require site plan review only if it involves:
- (a) The development or redevelopment of any property or structure, including but not limited to vacant property, for a new use.
- (b) Any use requiring a special use permit, subject to any exceptions contained in Articles XII and XIII of this chapter.
- (c) The expansion of any existing use or any change of use of a property or structure, where the City Planning Board has determined that the alteration will substantially intensify the use or substantially modify the site with respect to the generation of traffic, pedestrian movement, parking needs, noise, glare, exposure to hazard from fire or flood, utilization of water supply, sanitary sewer, drainage or other utility system and may have a substantial impact upon the character or environment of the surrounding area. This includes an increase in density in residential areas.

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(3) Uses by special use permit ("S" on the Schedule of Use Regulations).

- (a) A special use permit shall be required for any change of use from a use that does not require a special use permit, or a use permitted in the zone, to a use that does require a special use permit.
- (b) Once a special use permit has been granted, it shall run with the land and apply to the approved use and to all subsequent owners, tenants and occupants engaged in the same use. The special use permit shall also apply to any subsequent use of the property in the same use category, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the special use permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas. Any change to another use allowed by special use permit shall require the granting of a new special use permit or a special use permit amendment.

G. Rebuilding, replacement, expansion of structures. The rebuilding/replacement on the same footprint of any structure for a use which requires site plan review (P*) or a special use permit (S) shall require site plan review, even if it is a continuation of the same use.

H. Special site design considerations.

- (1) In the Conservation Development District (CDD). The purpose of the CDD is to encourage conservation of environmental resources in exchange for flexibility in building and area requirements and the potential for granting more intensive development if conservation goals stated in § 300-33 are achieved. A minimum of 50% of net land shall be preserved by a permanent conservation easement or deed restriction as open space. Buildings shall have a maximum height of four stories or 50 feet and a maximum length of 200 feet. Additional regulations for the CDD are in § 300-33.
- (2) Buildings shall be placed in front of their parking lots to screen the parking from the road. This requirement shall not apply if the entire site is screened from the road by natural vegetation and/or natural topography. The City Planning Board may modify or waive this requirement where unusual lot configurations, such as corner lots or through lots, make compliance with this requirement impractical or impossible or where the predominant character of surrounding development is such as compliance with this requirement would serve no useful purpose, provided that the applicant minimizes the visual impacts of such parking areas.

§ 300-32 Density and dimensional regulations.

A. Applicability. The density and dimensional regulations in this section apply to the traditional zoning districts, as defined in § 300-21. The density and dimensional regulations for the form-based districts, as defined in § 300-21, are regulated in Article XV of this chapter.

- B. Purpose. The restrictions and controls in this section regulate development as set forth in the Schedule of Bulk, Area, and Parking Regulations, which are supplemented by the other sections of this chapter. This chapter shall not interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that when this chapter imposes a greater restriction on the use of buildings or land or on the height of buildings or requires larger open spaces or imposes any higher standards than are imposed or required by any other statute, law, ordinance, rule or regulation, or by any easement, covenant or agreement, the provisions of this chapter shall control. Where the requirements of this chapter differ from the requirements of another statute, law, ordinance, rule or regulation, the more restrictive shall govern.
- C. Exempt uses. The provisions of this article shall not apply in any of the following instances:
- (1) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority with permission of the Building Inspector.
 - (2) Firehouses, police stations, or other public safety uses owned or operated by the City of Newburgh, Orange County, or by any governmental authority, with permission of the Building Inspector.
 - (3) Other municipal buildings, uses, or utility services operated by the City of Newburgh with permission of the Building Inspector.
- D. Additional dimensional requirements.
- (1) Corner lots. A yard equal to the required front yard shall be provided with respect to any lot line that abuts a street. The other yards shall be deemed to be side yards.
 - (2) Through lots. The Building Inspector shall designate a front and rear yard in keeping with the predominant development pattern of the area and/or to promote consistency with the goals of the Comprehensive and Land Use Plans.
 - (3) With respect to one-, two-, three-, and four-family houses, no more than one principal building and its accessory structures and uses may be located on one lot.
- E. Subdivision of a lot. Where a lot is subdivided from an existing lot already occupied by a building or structure, both the existing lot and the newly subdivided lot shall conform to the requirements of this chapter with respect to existing building(s) and all yards and other required spaces in connection therewith.
- F. Required street frontage. No building permit shall be issued nor shall any site plan be approved for the construction of any new building or structure unless the lot upon which the use is to be established or such structure is to be built has frontage of at least 20 feet on a dedicated public street or on a street or highway which has been suitably improved to City road standards or a bond posted therefor and unless the actual access to such use or such structure will be over such frontage.

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- G. Multiple residential buildings on one lot. A lot may contain more than one principal apartment house, provided that the lot conforms to the applicable density requirements of the underlying zoning district. Such lot may not later be subdivided unless the subdivided lots conform to the dimensional regulations in effect when the subdivision is proposed.
- H. Projections into required yards.
- (1) Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental features, provided that no such projection may extend more than four feet into any required yard.
 - (2) Bays, including their cornices and eaves, may extend not more than four feet into any required yard, provided that the sum of such projections on any wall shall not exceed 1/3 the length of such wall.
 - (3) An open fire balcony or fire escape may extend not more than four feet into any required yard.
 - (4) Steps and stairs may extend not more than four feet into the required side or rear setback area.
 - (5) Awnings or movable canopies may extend not more than four feet into the required side or rear setback area.
- I. Height exceptions. The height limitations in the Dimensional Table shall not apply to any flagpole, radio or television receiving antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet or railing, water tank, or any similar nonhabitable structure, provided that such structure is firmly attached to the roof or side of a building and covers no more than 10% of the roof area.
- J. Setbacks for accessory structures and uses.
- (1) Any accessory structure attached to a principal building and any detached garage, tennis court, or swimming pool shall comply with the minimum setback requirements of this chapter applicable to the principal building. Other detached accessory structures or uses may encroach into required setback areas, provided that they:
 - (a) Are not used for human habitation;
 - (b) Have a footprint no larger than 200 square feet;
 - (c) Do not exceed 16 feet in height;
 - (d) Do not occupy more than 10% of the rear setback area;

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- (e) Are set back at least 10 feet from side lot lines;
 - (f) Are not located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, signs, with less than 100 square feet of footprint, as well as ornamental structures, such as entry pillars and statues; and
 - (g) Are not used for housing animals.
- (2) For corner lots, the setback from all streets shall be the same for accessory structures as for principal buildings.
- (3) For watercourse setbacks see § 300-46.
- K. Setbacks involving irregular buildings and lot lines. Where structures or lot lines are irregular or unusual in configuration, all points on the structure shall satisfy the minimum setback requirements from that point on the lot line which is the shortest distance from the structure.
- L. Fences (including hedges). The setback requirements of this chapter shall not apply to any fences less than four feet high in any front, side, or rear yard, except where corner clearances are required for traffic safety.

Schedule of Bulk Regulations [See Table]

§ 300-33 Conservation Development District.

- A. Purpose and intent. The purpose of the Conservation Development District (CDD) is to encourage conservation of environmental resources in exchange for flexibility in bulk and area requirements and the potential for granting more intensive development if conservation goals stated herein are achieved. The primary goals of the CDD are to:
- (1) Preserve open space.
 - (2) Preserve or enhance environmentally sensitive features.
 - (3) Protect steep slopes by preserving vegetative cover to minimize the impacts of erosion and sedimentation.
 - (4) Provide opportunities for on-site stormwater management and groundwater recharge.
 - (5) Protect and enhance scenic views.
 - (6) Encourage flexibility in the design of residential land uses that may not be permitted under traditional zoning regulations.
 - (7) Promote a range of housing types.

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(8) Create on-site recreation opportunities.

(9) Promote integration with neighboring land uses through trails and waterfront access points.

B. Allowable uses. Any uses permitted by right in the Residential R-1, R-Low, R-Med and R-High Districts.

C. Definitions. For the purposes of this section, "environmental resource areas" are areas of slopes over 20%, delineated wetlands, streams, lakes, and their adjacent one-hundred-foot buffers, one-hundred- and five-hundred-year floodplains and floodways, areas within the WPO, ridgelines, scenic viewsheds, ecologically sensitive areas and other environmentally sensitive features determined by the City Planning Board.

D. Standards.

(1) Multiple parcels allowed. Contiguous parcels under common ownership may be considered as one site under this section.

(2) Applications for site plan approval must be in keeping with, and further the goals stated in, the purpose and intent of this section.

(3) Dimensional standards. The density and dimensional standards in § 300-32 and all other density and dimensional regulations in this chapter, other than those contained in this section and the parking and loading requirements in Article IX, shall not apply and are superseded by this subsection. Dimensional and density standards shall be approved by the City Planning Board based on physical characteristics of the site, the character of the proposed development, relevant performance standards in this chapter, and the requirements of the SEQRA process.

(a) The number of dwelling units allowed in a CDD shall be equal to the gross area of the CDD site less the environmental resource areas; the remaining number divided by 3,000 square feet.

(b) Applicants in the CDD may be eligible for a density bonus of up to 20%, at the discretion of the City Planning Board, based on the plan's furtherance of the purposes of this article.

(c) Buildings shall have a maximum length of 200 feet.

(d) Buildings shall have a maximum height of four stories or 50 feet. However, the City Planning Board may adjust the maximum allowable height in order to maintain compatibility with surrounding land uses or to protect important views or to protect, preserve, and enhance the environmental features of the site.

- (e) Maximum impervious coverage shall be 15% of the total gross land area, including preserved open space areas.
- (4) A minimum of 50% of the land area of the parcel shall be preserved by a permanent conservation easement or deed restriction as open space. Open space land preserved under this subsection may include ponds and streams, wetlands and wetland buffers, steep slopes, ridgelines, scenic viewshed areas, and recreational areas, such as trails. It shall not include land that is covered by impervious surface other than trails or paths.
- (5) Each CDD site must include passive recreation on the site, such as walking trails.
- (6) The development area shall be treated as a unit. Regardless of the form of ownership of the property or its division into separate parcels, the open space, and other dimensional requirements in this section shall apply to the entire area zoned CDD and not to any individual parcels or lots which are portions thereof.
- (7) Off-street parking must be provided on the CDD site in accordance with requirements stated in Article IX. Parking areas must be screened from environmental resource areas and adjacent residentially zoned parcels, except where doing so would not further the goals of this section (i.e., parking areas of two adjacent CDD sites may abut each other without screening).
- (8) Adequate internal circulation must be provided, including adequate access for emergency vehicles.
- E. Application procedure. For any application within the Conservation Development District, the applicant shall prepare a conservation analysis of the land (as described in § 300-33D) to be submitted with the site plan application. The site plan application in a CDD shall also contain such other information as the City Planning Board deems necessary to determine whether or not the plan complies with the requirements of this subsection. The site plan application package shall also include a management plan for the future of the proposed development as a unified entity.
- F. The City Planning Board shall refer applications for site plan approval under this section to the Conservation Advisory Council (CAC). The CAC has 30 days from the referral to provide its comments on the application.

Article X

Nonconforming Uses and Structures

§ 300-76 Continuation of nonconforming uses and structures.

- A. Any structure or use which was legal when built or commenced and which was in existence on the effective date of this chapter, or amendment of this chapter, which becomes nonconforming as a result of such enactment or amendment of this chapter, may be continued as a legal nonconforming use.

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- B. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit and which entire building shall be completed according to such plans as filed within one year from the effective date of this chapter.

§ 300-77 Discontinuance and reestablishment.

- A. Discontinuance. Whenever a nonconforming use has been discontinued for a period of 18 months, such use shall not thereafter be reestablished except as provided in § 300-78A, and any future use shall be in conformity with the provisions of this chapter.
- B. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- C. Reestablishment. The City Planning Board may issue a special use permit for the reestablishment of the use after the eighteen-month period has expired if the applicant has been prevented from continuing the use during the one-year period due to strikes, acts of God, disability, or other similar hardship beyond the applicant's control.

§ 300-78 Change of nonconforming uses.

- A. A nonconforming use of a structure or parcel of land may, upon special use permit by the City Planning Board, be changed to another nonconforming use which is of the same or lesser impact, except that no use prohibited by Article V shall be permitted under any circumstances. No structure in which a nonconforming use has been changed to a use of lesser impact shall again be devoted to a nonconforming use with greater impact. In determining whether a use is of greater or lesser impact, the City Planning Board shall consider the impact criteria listed in § 300-104. No nonconforming use shall be extended or expanded to displace a conforming use.
- B. Any nonconforming use of any open space on a lot outside a structure or of a lot not occupied by a structure shall not be extended.
- C. Any conforming principal use of a nonconforming structure may be extended throughout the existing structure.
- D. A nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use, and the lot shall be deemed conforming.

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§ 300-79 Restoration, expansion and repair.

A nonconforming use or structure shall not be extended, enlarged, or structurally altered except as provided below.

- A. Any nonconforming use or structure determined to be unsafe may be restored to a safe condition, provided that such work on any nonconforming structure shall not place it in greater nonconformity.
- B. A building used for residential purposes that is a nonconforming structure or use may be rebuilt in the event of its total or partial destruction by fire or other causes in accordance with the provisions provided below. Such rebuilding shall require site plan approval by the City Planning Board.
 - (1) The area occupied by the foundation of the building must occupy the same or lesser amount of the area occupied by the damaged building.
 - (2) The rebuilt structure may not exceed the original height of the total or partially destroyed structure.
 - (3) The total square footage of the repaired or rebuilt building must be the same as or less than the damaged or destroyed building.
- C. "Building used for residential purpose" as used herein, shall mean a building which at the time of the damage by fire or other causes was used solely for residential purposes or, if the building was vacant, that it is designed solely for residential purposes.

§ 300-80 District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

§ 300-81 Special permit uses.

Any preexisting legal use which is allowable by special use permit under this chapter, but which has not been issued a special use permit, shall be considered a permitted use. The expansion of such a use shall require site plan approval unless such expansion has been permitted by a prior site plan approval.

§ 300-82 Construction started prior to effective date.

Any structure, for which construction was begun prior to the effective date of this chapter, or of any amendment thereto, may be completed and used in accordance with the approved plans and specification for such structure. Any structure for which construction has not begun pursuant to approved plans shall be subject to the provisions of this chapter and any amendments thereto, even

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if all preconstruction approvals have been granted. For purposes of this section, "beginning construction" shall mean excavation and the pouring of footings or the installation of any other means of permanently attaching a structure to the ground.

§ 300-83 Existing nonconforming lots.

A. Any lot of record created prior to the effective date of this chapter which does not comply with the area, density, or dimensional requirements of this chapter shall be deemed to comply with such requirements, ~~and no.~~ No variance shall be required for its development or for any addition to or other alteration of a structure, provided that the ~~following conditions are satisfied~~ lot area is no less than 1,500 square feet.

~~(1) The following minimum area and dimensions are maintained, unless smaller dimensions are permitted in the district:~~

~~(a) Lot area: 2,000 square feet.~~

~~(b) Side setback: 15% of lot width but not less than five feet per side.~~

~~(c) Rear setback: 15% of lot depth but not less than 10 feet.~~

~~(2) All Health Department regulations are satisfied.~~

B. A nonconforming lot may be subdivided only if the subdivision plat shows that every subdivided portion of such lot will be merged with adjoining properties to ~~increase the area of~~ such properties, thereby eliminating eliminate the nonconforming lot.

C. Notwithstanding the foregoing ~~provisions~~, any undeveloped lot in a subdivision which was not properly approved by the City Planning Board or City Council or not filed in the office of the County Clerk and whose area or dimensions do not comply with the requirements of this chapter shall be considered a violation of this chapter and shall not be protected under Subsection A ~~of this section.~~

§ 300-84 through § 300-85. (Reserved)

Schedule of Use Regulations (§ 300-31)

Use							Commercial District Overlay/ Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
	R-1	Low- Density Residential	Medium- Density Residential	High- Density Residential	Commercial	Industrial						
Residential												
Apartment house			P*	P			P*	P*	P	P*	P*	P*
Four-family dwelling			P	P*			P*	P*	P	P*	P*	P*
Two- or three-family dwelling		P*	P	P				P*	P	P	P*	P*
Row or attached dwelling (townhome)		P	P					P*		P	P*	P*
Two-family detached dwelling		P*	P	P				P*		P	P*	
One-family detached dwelling	P	P*	P	P				P*		P	P*	P*
Residential care facility			S	S				P*	P	P	P*	P*
Cooperative house		P	P	P					P	P	P*	P*

Use	Residential				Commercial	Industrial	Commercial District Overlay/ Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential								
Accessory apartment	A;S	A	A	A								
Bed-and-breakfast		A;S	A;S	A;S				A;S	A;S	A;S	A;S	A;S
Short-term in-home lodging	A;S	A	A	A				A	A	A	A	
Boardinghouse		S	S									
Customary home occupation		A;S	A;S	A;S				A;S	A;S	A;S	A;S	A;S
Rooming house					S				S	S	S	S
Mixed use with residential			P*	P*					P*	P*	P*	P*
Live/work			P*	P*					P*	P*	P*	P*

Use	Commercial District Overlay/Neighborhood Commercial Overlay											
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Industrial	Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
Institutional												
Buildings, uses or facilities of any governmental unit		<u>P*</u>	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Cemetery		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
College/university		P*	P*	P*					P*	P*	P*	
Community center		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Parking lot		S	S	S	P	P	P	P*	P*	S	S	S
Community parking lot	S	S	P*	P*	P	P	P	P*	P*	S	S	S
Dormitories		A	A	A	A	A	A	A	A	A	A	A
Hospital			<u>S</u>	A	A			A	A;S	A		
House of worship		P*	P*	P*	P*				P*	P*	P*	P*
Membership club					S	S	S	S	P*	P*	P*	P*
Museum					S	S	S	S	P*	P*	P*	P*

Use	Commercial District Overlay/Neighborhood Commercial Overlay											
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Industrial	Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
Parks, open space, recreational facilities		P	P	P	P	P	P	P*	P	P	P*	P*
Public libraries				P			p*		p*	p*		
School of general instruction		<u>p*</u>	p*	p*	p*	p*			p*	p*	p*	

Use	Residential				Commercial	Industrial	Commercial District Overlay/ Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential								
Commercial												
Activity facility					P*	P*	P*		P	P	P*	P*
Adult day-care facility				P*			P*		P	P	P*	P*
Adult uses					S	S						
Amusement center					P*	P*	P*		S	S		
Animal care facility					S	S			S	S		
Assembly hall				P*	P*	P*			P*		P*	P*
Bank					P*	A	P*		P		P*	
Bar					P*	P*	P*		P	P*	P*	P*
Billiard parlor					P*	P*			P	P*	P*	
Bowling alley					P*	P*	P*		P*	P*	P*	P*

[illegible]

Use	Land Use Districts											
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Industrial	Commercial District Overlay/ Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
Movie or professional theater, indoor concert venue				S	S				S	S	S	S
Nursing home			S	S	S		S	S	P*	P*	P*	P*
Office park					P*	P*	P*					
Personal services					P	A	P		P	P	P*	P*
Restaurant					P*	A	P*		P	P	P*	P*
Restaurant, carry-out					P*	A	P*		P	P*	P*	
Restaurant, fast-food					P*	A	P*		P	P*	P*	
Retail					P	A	S		P	P	P*	P*
Retail, neighborhood			S	S	P	A	P		P	P	P*	P*
Self storage					P*	P*						
Shopping center					P*							
Tattoo parlor					P				P	P	P*	P*

Use	Commercial District Overlay/Neighborhood Commercial Overlay											
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Industrial	Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
Taxi service				S	S	S	S		P*			
Technical school					S	P*	S		S	S	S	

Use	Commercial District Overlay/Neighborhood Commercial Overlay											
	R-1	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Industrial	Neighborhood Commercial Overlay	Conservation Development District	Broadway Corridor (BC)	Downtown Neighborhood (DN)	Waterfront Gateway (WG)	Planned Waterfront District (PWD)
Industrial												
Agriculture		S	S	S	P*	P*	S	S				
Automobile gas station					S	S	S					
Automobile sales					S	S	S					
Automobile service/repair				S	S	S	S					
Automobile wash					S	S	S					
Boat repair						P*						S
Distribution facility/warehouse					P*	P*						
Dry cleaner; commercial laundry					P*	P*	P*		P*			
Industrial uses						P*						
Storage yard					P*	P*	S					
Wholesale					P	P*	P		P*			

Schedule of Bulk, Area, and Parking Regulations: Commercial and Industrial Zones (§ 300-32)

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Activity facility	P*	P*	P*	P	—	—	—	4	45	60%	1 per 4 people allowed during maximum occupancy
Adult day- care facility			P*	P	—	—	—	4	45	60%	1 per 300 square feet
Adult uses	S	S			—	—	—	4	45	60%	1 per 2 people allowed during maximum occupancy
Agriculture	P*	P*	S		As determined by City Planning Board and in accordance with facility master plan						
Amusement center	P*	P*	P*	S	—	—	—			60%	1 per 200 square feet
Animal care facility	S	S		S	—	—	—	4	45	60%	1 per 200 square feet

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Assembly hall/banquet hall	P*	P*		P*	—	—	—	4	45	60%	1 per 3 people allowed during maximum occupancy
Automobile gasoline station	S	S	S		10	5	10	1	15	60%	1 per 3 gas pumps; plus parking for accessory uses
Automobile service/repai r	S	S	S		10	5	10	2	25	60%	2 per repair bay
Automobile wash	S	S	S		10	5	10	1	15	60%	*
Bank	P*	A	P*	P	—	—	—	4	45	60%	1 per 300 square feet
Bar	P*	P*	P*	P	—	—	—	4	45	60%	1 per 150 square feet
Billiard parlor	P*	P*		P	—	—	—	4	45	60%	1.5 per table

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Boat repair		P*			10	5	10	2	25	60%	As determined by City Planning Board
Bowling alley	P*	P*	P*	P*	—	—	—	4	45	60%	3 per lane; plus parking for accessory uses if such uses occupy more than 300 square feet
Brewing of malt beverages or distilled spirits primarily for on-site consumption	P*	P*	P*	P*	10	10	10	4	45	70%	1 per 1,000 square feet
Business or professional office; office	P	P	P	P	—	—	—	4	45	60%	1 per 300 square feet
Cabaret	S	S		P	—	—	—	4	45	60%	1 per 100

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
											square feet
Car rental	S	P*		S	10	5	10	2	25	60%	1 per 300 square feet, plus adequate parking for rental vehicles
Cemetery (3)	P*	P*	P*	P*	20	20	20	2	25	As determined by City Planning Board	
College/univ ersity				P*	As determined by City Planning Board and in accordance with facility master plan						
Cottage industry	S		P*		—	—	—	4	45	60%	1 per 500 square feet
Child day- care center	S		P*	P	—	—	—	4	45	60%	1.5 per classroom
Distribution facility/ware house	P*	P*			10	10	10	3	35	70%	1 per 1,000 square feet
Drive-thru	P*		P*	P*	—	—	—	4	45	60%	As determined by City Planning

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
											Board
Dry cleaner/com mercial laundry	P*	P*	P*	P*	10	10	10	3	35	70%	1 per 500 square feet
Funeral home	P*		P*	P*	—	—	—	4	45	60%	1 per 100 square feet or, 1 per 5 seats in chapel, whichever is greater
Hospital	A			A/S	As determined by City Planning Board and in accordance with facility master plan.						
Hotel/motel	P*			P*	—	—	—	4	45	60%	1.0 per room; plus parking for accessory uses
House of worship	P*			P*	0	20	20	4	45	70%	1 per 5 seats
Industrial uses		P*			10	10	10	3	35	70%	1 per 1,000 square feet

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Membership club	S	S	S	P*	—	—	—	4	45	60%	As determined by City Planning Board
Movie or professional theater	S			S	—	—	—	4	45	60%	1 per 4 seats
Museum	S	S	S	P*	—	—	—	4	45	60%	1 per 300 square feet
Nursing home	S		S	P*	0	10	20	6	60	55%	1 per 4 beds, or as determined by City Planning Board
Park	P	P	P	P	—	—	—				As determined by City Planning Board
Parking area, community	P	P	P	P*	5	5	5	4	45		
Personal services	P	A	P	P	—	—	—	4	45	60%	1 per 300 square feet

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Residential care facility				P	0	5	20	4	45	55%	0.33 per sleeping room (or as determined by City Planning Board)
Restaurant	P*	A	P*	P	—	—	—	4	45	60%	1 per 100 square feet
Restaurant, carry-out	P*	A	P*	P	—	—	—	2	25	60%	1 per 100 square feet
Restaurant, fast-food	P*	A	P*	P	—	—	—		25	60%	1 per 100 square feet
Retail store	P	A	S	P	—	—	—	2	45	60%	1 per 300 square feet
Retail, neighborhoo d	P	A	P	P							
Rooming house	S			S	—	—	—	4	45	60%	0.5 per boarding unit
Self storage	P*	P*			10	10	10	4	45	70%	1 per 1,000 square feet

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
Shopping center	P*				—	—	—	4	45	60%	1 per 300 square feet
Tattoo parlor	P			P	—	—	—	4	45	60%	1 per 300 square feet
Taxi service	S	S	S	P	10	5	10	2	25	60%	1 per 300 square feet, plus adequate parking for all fleet vehicles
Technical school	S	P*	S	S	—	—	—	4	45	60%	As determined by City Planning Board
Wholesale	P	P*	P	P*	10	10	10	4	45	70%	1 per 1,000 square feet

Use	Commercial Use Type	Industrial Use Type	Commercial District Overlay/ Neighborhood Commercial Overlay	Broadway Corridor Use Type	Minimum Front Yard (feet)	Minimum Side Yard Each (1) (feet)	Minimum Rear Yard (1) (feet)	Maximum Height (stories)	Maximum Height (feet)	Maximum Lot Coverage (percent)	Off-Street Parking Required (2) (number of spaces)
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NOTES:

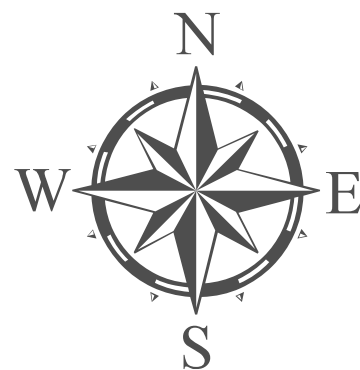
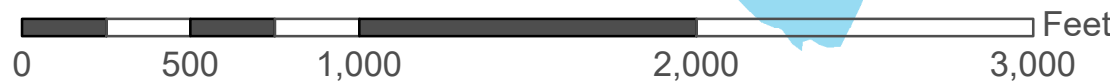
- (1)Must also comply with § 300-53.
- (2)Parking subject to Article IX
- (3)Cemetery must have a minimum lot size of 40,000 square feet.

Accessory structures and uses are permitted pursuant to § 300-31, Accessory uses and structures, as well as the other applicable sections of this chapter.

City of Newburgh Proposed Zoning



- Historic District
- Colonial Terrace Architectural Design District
- Waterfront Protection Overlay
- Neighborhood Commercial Overlay
- Downtown Neighborhood
- PWD
- BC
- WG
- Commercial District
- Conservation Development District
- Industrial
- Park
- R1
- RL
- RM
- RH
- ROW



Proposed Zoning Changes – Summary Sheet (post-Council comment and post-GML §239 review)

Map Change – William Street and Washington Street

Proposed Change: convert affected parcels from Commercial District to Medium Density Residential with Neighborhood Commercial Overlay.

Affected Parcels (by SBL) (108 total):

38-2-1	38-2-2	38-2-3	38-2-4	38-2-5	38-2-6.1
38-2-7.1	38-2-8	38-2-9	38-2-10	38-2-11	38-2-12
38-2-13	38-2-14	38-2-15	38-2-16	38-2-17	38-2-18
38-2-19	38-2-20	38-2-25	38-2-26	38-2-27	38-2-28
38-2-29	38-2-30	38-2-31	38-2-32	38-2-33	38-2-34
38-2-40	38-2-35	38-3-31	39-2-31	38-3-32	39-2-30
39-2-29	38-3-33	39-2-28	39-2-26	38-3-34	39-2-27
38-4-31	39-2-25	38-4-32	39-2-24	38-4-33	38-4-34
39-2-23	38-4-35	38-4-36	39-2-22	38-4-37	39-2-21
38-4-41	38-4-40	38-4-39	38-4-38	39-2-20	39-2-19
39-2-18	44-2-8	45-1-1	44-2-9	44-2-10	45-1-10
44-3-12	45-15-1	44-3-13	45-15-19	44-3-14	45-15-18
44-3-15	44-3-16	45-15-17	44-3-17	45-15-16	44-3-18
44-3-19	45-15-15	44-3-20	45-15-14	45-15-11	44-3-21
45-15-13	44-2-12	45-1-14	44-2-13	45-1-13	45-1-12
45-15-12	38-2-39	38-2-38	38-2-37	38-2-36	38-3-29.1
39-2-1	39-2-33	39-2-32	38-3-30	45-1-16	45-1-15
44-2-14	45-1-11	44-2-11	39-2-17	38-2-24.12	39-1-1

Map Change – Delete “Open Space” as Zone

Proposed Changes: “Open Space” zone is not defined in Zoning Code. Delete zone as shown on zoning map. All parcels shown as “Open Space” to be converted into “Conservation Development District.” Change §300-31 chart for CDD to delete all cells and insert text “Refer to §300-33(B)” or “Any uses permitted by right in R-1, R-Low, R-Med and R-High Districts.”

Affected Parcels (by SBL), with Proposed New Zone (49 parcels):

SBL	Proposed New Zone	SBL	Proposed New Zone
43-1-29.2	CDD	47-2-9	CDD
43-1-31	CDD	49-1-18.2	CDD
43-1-32	CDD	47-2-10.2	CDD
43-1-33	CDD	47-2-12	CDD
43-1-34	CDD	43-1-28	CDD
43-1-35	CDD	49-1-19	CDD
14-3-26.2	CDD	49-1-20	CDD

14-3-26.4	CDD	49-1-21	CDD
14-3-8	CDD	49-1-22	CDD
14-3-26.3	CDD	49-1-23	CDD
14-3-26.1	CDD	49-1-18.11	CDD
14-3-26.52	CDD	46-5-10	CDD
49-1-7.1	CDD	46-5-9	CDD
49-1-2	CDD	7-2-1.2	CDD
49-1-8	CDD	49-1-24	CDD
49-1-9	CDD	14-3-54.2	CDD
49-1-10	CDD	33-6-3.2	Park
49-1-11	CDD	33-6-1.1	Park
49-1-12	CDD	49-1-1	Park
49-1-13	CDD	47-2-2.3	Park
49-1-14	CDD	49-1-18.12	Park
49-1-15	CDD	49-1-5.21	PWD
49-1-16	CDD	40-3-3	PWD
49-1-17	CDD	14-3-26.6	R-Way
49-1-18.3	CDD		

Map Change – delete “Institution” as a Zone

Proposed Change: “Institution” zone is not defined in Zoning Code. Affected parcels appear spot zoned. Delete zone as shown on zoning map and re-zone affected parcels in accordance with other nearby districts.

Affected Parcels (by SBL), with Proposed New Zone (37 parcels):

SBL	Proposed New Zone	Government Owned/Used?	Current Use	Permitted in New Zone (after Zoning Amendment)?
43-1-13	R-High	Yes	Armory	Yes
28-2-17	R-Low	No	Parking Lot	Yes
28-2-20.1	BC	No	Gas Station	No
28-2-19	R-Low	Yes	Parking Lot	Yes
28-2-18	R-Low	No	Parking Lot	Yes
28-2-21.2	BC	No	Motel	Yes
28-2-1	BC	No	Cemetery	Yes
6-5-1	R-Low	Yes	NFA	Yes
7-1-55	R-Low	Yes	Board of Ed	Yes
7-1-1	C	No	Health Bldg.	Yes
7-1-2	R-Low	Yes	Board of Ed	Yes
3-10-27	R-Low	Yes	Board of Ed	Yes
47-3-2	R-Low	Yes	Board of Ed	Yes
47-3-1	R-Low	Yes	Board of Ed	Yes

46-4-4	PWD	Yes	Sewer Plant	Yes
49-1-5.1	Park	Yes	Sewer Plant	Yes
46-4-5	PWD	Yes	Sewer Plant	Yes
39-2-9	Park	No	Cemetery	Yes
31-2-20	WG	Yes	County	Yes
22-4-14.12	R-Med	No	Parking Garage	Yes
31-2-18	WG	Yes	County	Yes
31-2-21	WG	Yes	County	Yes
31-2-13.2	WG	Yes	County	Yes
31-2-19	WG	Yes	County	Yes
29-1-25	BC	Yes	Courthouse	Yes
23-1-12	R-Med	No	Church	Yes
23-1-1.1	R-Med	No	Hospital	Yes
7-2-2	R-Low	Yes	Water Supply	Yes
8-1-1.32	R-Med	No	College	Yes
8-1-1.42	R-Med	No	College	Yes
4-11-3.1	R-Med	No	College	Yes
4-11-3.2	R-Med	No	College	Yes
4-11-2	R-Med	No	College	Yes
4-12-2	R-High	No	College	Yes
4-12-1	R-High	No	College	Yes
4-11-1	R-Med	No	College	Yes
6-5-18.2	R-Low	Yes	NFA	Yes

Map Change – per Council

Proposed Changes: change SBLs: 12-4-2.1, 12-4-4.1, and 12-4-10 from RLow to WG (extension of adjacent WG zone).

Text Changes – §300-6, §300-21, and §300-83

Proposed Changes:

1. Adds “Right of Way” to §300-6
2. Add descriptions of zones to §300-21. Also add/delete applicable zones to conform to map.
3. Amend §300-31(F).
4. Amend §300-32 to delete “Commercial District Overlay”
5. Amend §300-83.



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: City of Newburgh Council

Applicant: Newburgh City Council

Project Name: City of Newburgh Zoning Code Update, 2020

Proposed Action: Chapter 300 of City of Newburgh Code of Ordinances & Zoning Map Change

Reason for County Review: Zoning Amendment

Date of Full Statement: October 15, 2020

Referral ID #: NBC06-20M

Tax Map #: Municipal-wide

Local File #:

Comments:

The Department of Planning has received the above referenced Chapter 300 of City of Newburgh Code of Ordinances amendments & zoning map modification to convert 108 parcels from Commercial District to Medium Density Residential with Neighborhood Overlay, delete/remove Open Space zone and convert 49 parcels to Conservation Development District zone, and delete/remove Institution zone and convert 37 parcels in accordance with nearby districts and has determined that the intended land use has the potential to cause inter-municipal and countywide impacts. Therefore, the following binding comment should be addressed and may not be acted contrary upon except by a majority plus one vote of the members of the City Council or by disapproving the action.

1. Institution Zone

The current proposal will eliminate the Institution Zoning district and convert 37 parcels in accordance with nearby districts. The Department recommends the City carefully review the permitted use tables to ensure that the existing institutions within the amended zoning districts remain conforming under the new designation. For example, the proposed zoning adjustments would place Montefiore St. Luke's Cornwall Hospital (SBL 23-1-1) within the Medium Density Residential Zoning District (RM). The Table of Permitted Uses does not presently allow hospitals, which would make these institutions non-conforming. In this case, we recommend revising the Table of Permitted Uses to allow for hospital as a permitted principal use.

Another option is not to eliminate the Institutional Zoning district and instead add a column to the Table of Permitted Uses to designate all permitted and special permitted uses. This approach would ensure that existing institutional uses remain conforming uses while simultaneously allowing other uses in the Institutional District (e.g. restaurant, retail, or hospitality) that would further the City of Newburgh's revitalization efforts.

We would like to offer the following advisory comment:

2. Open Space Zone

According to the June 2004 Orange County Open Space Plan (Page IV-7): "Under New York State General Municipal Law §239 the County Planning Department should use its planning and zoning

permit review authority to support improved public access to water where development proposals offer potential access.” Open Space is described in the Planning Advisory Service Report No. 521/522, *A Planner’s Dictionary* as “Any land or area, the preservation of which in its present use would (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.”

The Department recommends removing “R-High Districts” from the CDD definition and associated permitted use tables. Based on the above definition, the Department finds the § 300-33 Conservation Development District description appropriately supports and promotes open space and finds it to be an appropriate inheritor of the forty-nine previously designated “Open Space” parcels. However, the proposition to modify text to insert “Refer to § 300-33(B) or Any uses permitted by right in R-1, R-Low, R-Med, and R-High Districts” could serve to deteriorate the purpose and intent of the CDD outlined in § 300-33(A), particularly if high-density residential development is proposed.

County Recommendation: Approval subject to modification as per comment #1.

Date: October 21, 2020
Prepared by: Jessica Ridgeway
Planner



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

LOCAL LAW NO.: 5 - 2020

OF

NOVEMBER 23, 2020

A LOCAL LAW AMENDING SECTION C3.10 ENTITLED “TERMS OF OFFICE”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO ESTABLISH TERM LIMITS FOR ELECTED OFFICIALS

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 Section C3.10 entitled ‘Terms of Office’ of the City Charter of the City of Newburgh to establish term limits for elected officials”.

SECTION 2 - AMENDMENT

§ C 3.10 of the City Charter is hereby amended as follows:

- A. The terms of office of the elective officers of the City shall be as follows: Mayor, four years; Councilman, four years; and City Judge, six years.
1. Except as otherwise provided in this Section, no person shall be eligible to be elected, appointed, or to otherwise continue to hold the office of Mayor or Councilman after that person has been elected to that office for three (3) complete consecutive four (4) year terms, unless one complete term or more has elapsed since that person last held such office.
 2. In determining the number of consecutive terms a person has served, only terms commencing on or after January 1, 2022, shall be counted.
 3. In no event shall any person hold the office of Mayor or Councilman for more than 12 consecutive years.
 4. If the Mayor or Councilman resigns, vacates or is removed from office prior to the completion of a full term, he or she shall be deemed to have held office for a full term for the purposes of this section of the Charter. If the resignation, vacancy or removal occurs within the first two (2) years of the term, the person appointed or elected to replace him or her shall fill out the unexpired portion of the original term and be eligible to serve two (2) additional four (4) year terms of office. If the resignation, vacancy or removal occurs within the last two (2) years of the term, the person elected or appointed to replace him or her shall be eligible to serve three (3) additional four (4) year terms of office. In no event, shall any person hold the office of Mayor or Councilman for more than fourteen (14) consecutive years.
- B. The terms of office of the Civil Service Commissioner shall be six years.

~~Strikethrough~~ denote deletions

Underlining denotes additions

- C. Except as otherwise provided in § C5.00, the terms of office of the City Manager and of the City Clerk shall be at the pleasure of the Council.
- D. The terms of office of all City officers appointed by the City Manager shall be at the pleasure of the City Manager. Any or all such appointive City officers may, by action of the City Manager and with the approval of the Council, be placed in the competitive class of the municipal civil service. No such action shall be taken less than 90 days prior to a general City election.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Charter affected thereby.

SECTION 5 - 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.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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Underlining denotes additions

LOCAL LAW NO.: 6 - 2020

OF

NOVEMBER 23, 2020

A LOCAL LAW AMENDING SECTION C4.00
ENTITLED “LEGISLATIVE POWERS FIXED IN COUNCIL”
OF THE CITY CHARTER OF THE CITY OF NEWBURGH
TO INCREASE THE ANNUAL SALARY OF THE MAYOR AND COUNCIL MEMBERS

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 Section C4.00 entitled ‘Legislative Powers fixed in Council’ of the City Charter of the City of Newburgh to increase the annual salary of the Mayor and Council Members”.

SECTION 2 – AMENDMENT

§ C 4.00 of the City Charter is hereby amended as follows:

All the legislative powers of the City, however, conferred upon or possessed by it, are hereby fixed in a board to be known as the “Council of the City of Newburgh” to be composed of the Mayor and six Council members. It shall be, for all purposes, the Common Council of the City. The Mayor shall receive an annual salary of \$15,000 and the other six members of the Council shall each receive an annual salary of \$12,000 ~~\$9,000~~, payable in equal monthly installments.

SECTION 3 – SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

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Underlining denotes additions

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Charter of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Charter affected thereby.

SECTION 5 - 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.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect on January 8, 2021 after being filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and upon expiration of the time period for filing a petition for permissive referendum. In the event that a petition is duly filed and a referendum held, this Local Law shall take effect after said referendum has been duly passed by a majority of voters and has been duly filed in the Office of the New York State Secretary of State.

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Underlining denotes additions