

City of Newburgh  
Local Waterfront Revitalization Program

*Adopted:*  
Newburgh City Council, May 14, 2001

*Approved:*  
NYS Secretary of State Randy A. Daniels, August 20, 2001

*Concurred:*  
U.S. Office of Ocean and Coastal Resource Management, August 14, 2002

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Change has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, 41 State Street, New York 12231.



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

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RANDY A. DANIELS  
SECRETARY OF STATE

September 20, 2001

Honorable Andrew Marino  
Mayor  
City of Newburgh  
83 Broadway  
Newburgh, NY 12550

Dear Mayor Marino:

It is with great pleasure that I inform you that on August 20, 2001 I approved the City of Newburgh Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable resources of the coastal area.

I am notifying state agencies that I have approved your Local Waterfront Revitalization Program and am advising them that their activities must be undertaken in a manner consistent with the program, to the maximum extent practicable.

I look forward to working with you, as you endeavor to revitalize and protect your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Daniels".

Randy A. Daniels

RAD:gn



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

AUG 14 2002

Mr. George Stafford  
Director  
Division of Coastal Resources  
41 State Street  
Albany, New York 12231-00001

Dear Mr. Stafford:

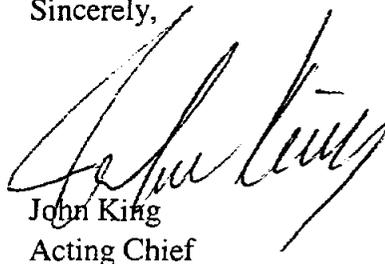
Thank you for your request to incorporate the City of Newburgh Local Waterfront Revitalization Program (LWRP) into the New York Coastal Management Program (NYSCMP). You specifically requested that these program changes be incorporated as routine program changes per the Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. Part 923, Subpart H and the Office of Ocean and Coastal Resource Management's (OCRMs) Final Program Change Guidance of July 8, 1996.

Based on our review of your submission, we concur with your determination that incorporation of the City of Newburgh LWRP is a routine program change. Specifically, the LWRP modifies the coastal zone boundary in the City of Newburgh and makes modifications to State Coastal Policies #1, 2, 4, 7, 8, 9, 11, 13, 17, 18, 19, 20, 21, 22, 23, 34, 36, and 39. Also the LWRP identifies that enforceable State Coastal Policies #3, 10, 12, 26, 29 and 32 do not apply in the City of Newburgh LWRP.

Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. section 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

Thank you for your cooperation in this review. Please contact Bill O'Beirne at (301)713-3155 extension 160, if you have any questions.

Sincerely,



John King  
Acting Chief

RESOLUTION NO.: 81-01

OF

MAY 14, 2001

**A RESOLUTION OF THE  
CITY OF NEWBURGH  
ADOPTING THE CITY OF NEWBURGH  
LOCAL WATERFRONT REVITALIZATION PROGRAM**

**WHEREAS**, the City of Newburgh initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

**WHEREAS**, a Draft Local Waterfront Revitalization Program (DLWRP) and related local laws were prepared; and

**WHEREAS**, a Full Environmental Assessment Form was prepared and considered for the Draft Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

**WHEREAS**, a Negative Declaration was subsequently issued on August 14, 2000, by the City Council as Lead Agency in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

**WHEREAS**, the City Council approved and adopted a DLWRP, dated February 2000, on August 14, 2000; and

**WHEREAS**, the DLWRP, including proposed local laws, were circulated by the Department of State to appropriate local, county, state and federal agencies in accordance with the requirements of Executive Law, Article 42 and Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

**WHEREAS**, modifications were made to the February, 2000 Draft Local Waterfront Revitalization Program in response to comments received, which modifications are annexed hereto and are incorporated into the February, 2000 DLWRP, dated May, 2001,

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York, that the City of Newburgh Local Waterfront Revitalization Program for the City of Newburgh, dated May, 2001, is hereby approved and adopted; and

RESOLUTION NO. 81-01

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BE IT FURTHER RESOLVED, that the Council of the City of Newburgh, New York, hereby directs the City Manager of the City to formally transmit the adopted LWRP, and all related local implementing laws, to the New York State Secretary of State for approval pursuant to Article 42 of the New York State Executive Law -- the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

I, Nancy A. D'Addio, 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 5/14/01 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 15th day of May, 2001

Nancy A. D'Addio  
City Clerk

**CITY OF NEWBURGH**  
**LOCAL WATERFRONT REVITALIZATION PROGRAM**

Prepared by:

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With assistance provided by:

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The preparation of this report was partially financially-aided through a Federal grant (Grant-in-Aid Award Number NA-82-AA-D-CZ068) from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Act of 1972, as amended. This document was prepared for the New York State Department of State.

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## INTRODUCTION

The Local Waterfront Revitalization Program (LWRP) for the City of Newburgh has been developed in response to, and consistent with, national and state objectives identified in the following legislation:

1. Federal Coastal Zone Management Act of 1972;
2. the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42, Executive Law); and
3. the Coastal Erosion Hazard Area Act of 1981 (Article 34, Environmental Conservation Law).

The response to the mandates imposed by this legislation was the preparation and adoption of the State of New York Coastal Management Program and Final Impact Statement of 1982.<sup>1</sup>

The New York State Coastal Management Program offers municipalities in the state's coastal area an opportunity to adapt the state program to address local needs and objectives by preparing and implementing an LWRP. An LWRP is a program that addresses the use, revitalization and protection of a municipality's waterfront resources. The City of Newburgh commenced the process of preparing an LWRP in 1989. The major components of the LWRP are as follows:

- 1) The delineation of the local waterfront revitalization area boundary;
- 2) The inventory of existing conditions including man-made characteristics and natural resources;
- 3) The identification of major planning issues and opportunities;
- 3) The establishment of policies for managing the local waterfront revitalization area. These policies have been established by reviewing the 44 policies found in the New York State Coastal Management Program, and refining the policies through the examination of local conditions and regulations as well as objectives for future use of the waterfront; and proposed local actions and activities.
- 4) Proposed land and water uses for the entire waterfront area;
- 5) Proposed projects, activities and regulatory actions; and
- 6) Local implementation techniques for the proposed activities and program policies.

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<sup>1</sup> All references to the New York State Coastal Management Program (NYSCMP) refer to the State of New York Coastal Management Program and Final Impact Statement prepared by the U.S. Department of Commerce, Office of Coastal Zone Management and New York State Department of State, August 1982.

Once the LWRP document was prepared, it was submitted to the Secretary of State and the U.S. Department of Commerce for review and approval. Now approved, this local program replaces the State Coastal Management Program for the City of Newburgh. This Program is the regulatory vehicle for governing Local, State, and Federal actions affecting the coastal and waterfront area. All State and Federal agencies are required to adhere to the approved LWRP document when undertaking an activity, funding a project, or considering granting of a permit for a project within the local waterfront area. This will ensure that decisions of State and Federal agencies reflect local objectives for the development and protection of waterfront resources.

By undertaking the LWRP process, the City is eligible to receive grants for program implementation. The Department of State awards implementation grants on a competitive basis for project pre-construction and construction activities and other activities that help implement local programs. These funds may be used, for example, to design a public recreation facility or to study the potential reuse of abandoned waterfront buildings. An implementation grant can help a municipality to do the preliminary work necessary to obtain public or private financing for a project.

The development of this Local Waterfront Revitalization Program represents major steps by the City of Newburgh to establish a specific plan and program for the waterfront area. This plan will promote the preservation of valuable coastal resources, the expansion of water-related and water-enhanced uses and the improvement of underutilized and deteriorated sites. It will discourage activities that will negatively affect the waterfront area, its use, and environment.

**SECTION I**  
**WATERFRONT REVITALIZATION AREA BOUNDARY**

## **SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY**

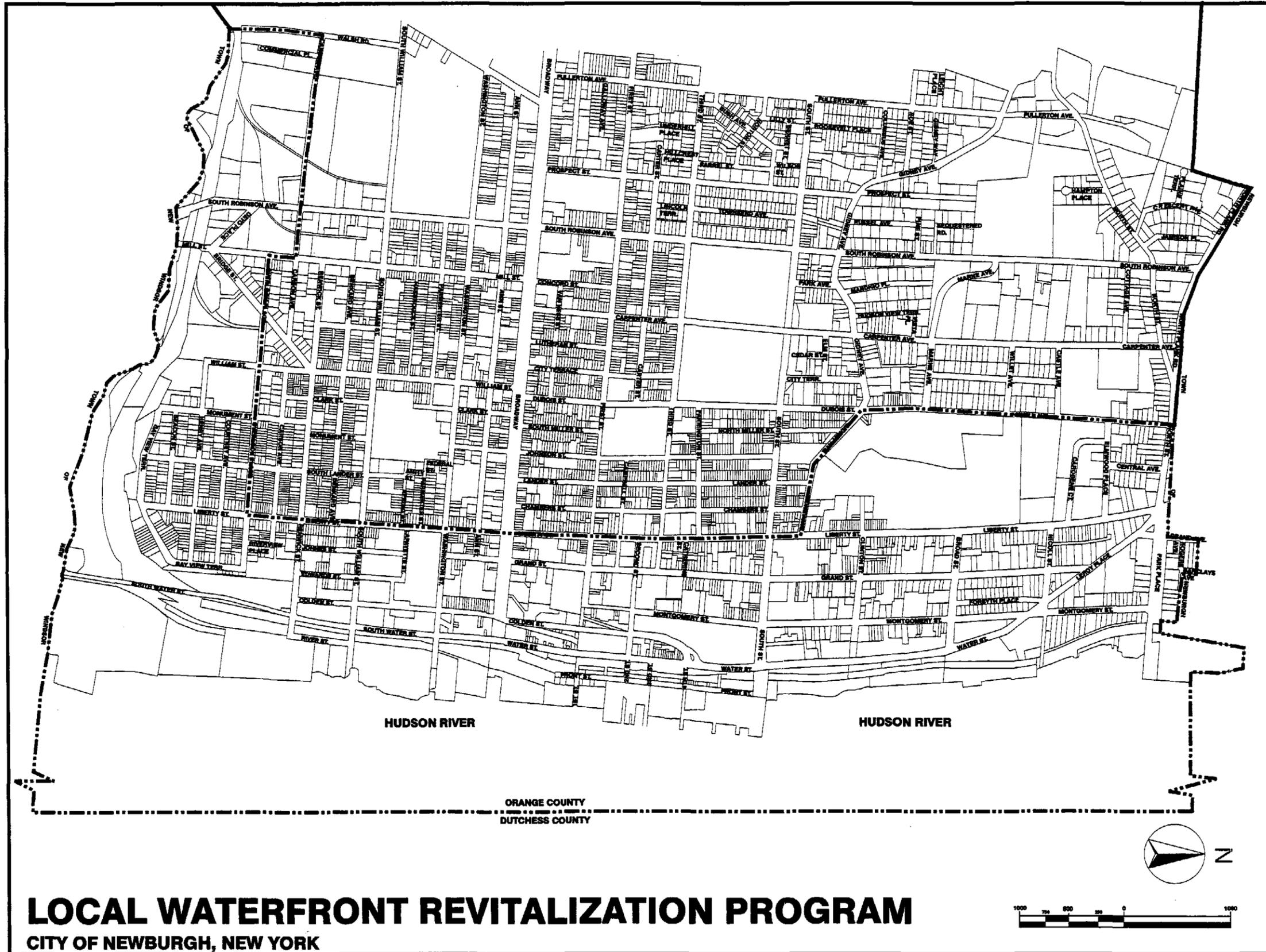
### **A. DESCRIPTION OF COASTAL BOUNDARY**

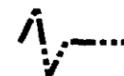
The coastal area of Newburgh is as follows:

Beginning at the point of intersection of the municipal boundary between the Town of Newburgh and the City of Newburgh and mean high water; then westerly along that boundary to the point where North Plank Road intersects with Powell Avenue; then southerly along Powell Avenue to Gidney Avenue; then southeasterly along Gidney Avenue to Liberty Street; then southerly along Liberty Street to Overlook Place; then westerly along Overlook Place to Mill Street; then northerly along Mill Street to Dickson Avenue; then westerly along Dickson Avenue to Walsh's Road; then southerly along Walsh's Road to the municipal boundary between the Town of New Windsor and the City of Newburgh; then easterly along that boundary to the point of intersection with mean high water.

The waterside boundary of the City of Newburgh waterfront revitalization area is as follows:

Beginning at the point of intersection of the southern boundary of the Town of New Windsor and the City of Newburgh and mean high water extending to the centerline of the Hudson River; then northerly coterminous with the eastern boundary of Orange County; then westerly to the point of intersection with the northern boundary of the Town of Newburgh and the City of Newburgh and mean high water.



 LWRP Boundary

**Map 1:  
LWRP BOUNDARY**

**Stuart Turner & Associates**  
 PLANNING & DEVELOPMENT CONSULTANTS  
 Last Revised: 2003  
 BASE MAP: ORANGE COUNTY WATER AUTHORITY



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK

**SECTION II**  
**INVENTORY AND ANALYSIS**

## A. INTRODUCTION

The City of Newburgh is located sixty miles north of New York City on the western side of the Hudson River in Orange County. The City, a small densely-settled community in a 3.9 square mile area is bounded by the Town of Newburgh on the west and north, the Hudson River on the east and the Town of New Windsor on the south.

The City averages 265 feet above mean sea level. Newburgh is situated south and east of the Catskill Mountains, west of the Hudson River and Mt. Beacon (1,540 feet msl), and north of Storm King and Bear Mountains.

In the past, Newburgh's economic history was tied to transportation. Initially, it was a place for sailing vessels bound for New York to wait while held up by tide and wind shifts through the West Point-Peekskill section of the Hudson River. With water depths in excess of 20 feet at its shoreline, it was natural that wharf facilities soon were established in the City. In 1743, ferry service was established between Newburgh and Beacon, the first such crossing of the Hudson River north of Peekskill. The extension of the railroads up the Hudson River and the rail connection between Newburgh and the New England states via the ferry brought industry to the city. As within most traditional manufacturing communities industry in Newburgh was subject to major relocation shifts. Following World War II, as the interstate highway system was built outside the city limits, and as the dependence upon riverboat, railroad, and ferry transportation diminished, so did the economic dominance of the City of Newburgh, and in particular its waterfront.

Like many old manufacturing towns throughout the northeast the City of Newburgh is experiencing decline. Eighty-five percent of all residential structures were built before 1940. It is suffering from many conditions characteristic of an impoverished urban area: a diminishing industrial base accompanied by a loss of jobs and revenue, a growing low income and minority population, a declining school enrollment, and substandard housing.

In 1990, the population in Newburgh was 26,454 persons, an increase of 3,016 persons (or 13 percent) from the 1980 population. Approximately 58 percent of the City's population is classified as minority.

Although the City of Newburgh had experienced physical and economic decline in recent years, as made apparent by the facts provided above, there has been an increased interest in new development, especially in the waterfront area. New multi-family housing developments such as Ferry Crossing, Hudson Point, Liberty Square, and Montgomery Views, an approved subdivision consisting of 12 single-family homes, are representative of the development activities taking place in the City and within the LWRP area. The Key Bank and Maple Buildings include 137,000 square feet of modern office space

constructed on former urban renewal land overlooking the Hudson River within the waterfront area.

As new development continues to take place in Newburgh, the city will improve both its physical appearance and its economic base. These in turn will aid in the revival of the entire city, specifically the waterfront.

## **B. EXISTING CONDITIONS**

### **1. Existing Land Use and Development Patterns**

The Local Waterfront Revitalization Program (LWRP) area in the City of Newburgh can be divided into three general land use areas: the land area on the east side of the Erie and West Shore Railroad Line along the Hudson River; the inland areas A and B west of the railroad line and/or Water Street; and the southern land use area, overlooking Quassaick Creek. An understanding of the existing land use patterns within the waterfront area is critical because these uses will, to a large degree, influence the future use and development of the waterfront. The waterfront area is characterized by large areas of residential usage, industrial usage and open space, interspersed with public and semi-public uses, and a limited amount of commercial and public recreational space. There is a substantial amount of vacant, underutilized and deteriorating parcels throughout the area, much of which is the product of urban renewal.

For purposes of clarity, existing land use patterns are discussed by the three general land use areas. The land use areas are illustrated on **Map 2**. The following provides a generalized description of existing conditions for each.

#### **a. Southern/Quassaick Creek Area**

Beginning in the western portion of this area at Walsh's Road and proceeding eastward to Mill Street, the land usage is mixed industrial and commercial. Continuing east past Mill Street is a block of mixed residential and commercial usage, a light industrial use and a site with a combination Jr. High School and playing field usage. These uses extend to Monument Street where a concentration of one- and two-family residences in good to fair condition occurs. The entire area, bound by Bay View Terrace on the south and east, Overlook Place on the north, and Monument Street on the west is currently in residential usage. As apparent by the street names in this area, the residences sit atop a ridge surrounded by steep slopes and thus possess scenic views of the Hudson River and the surrounding Highlands. For the most part, however, the residential area is not visible from South Water Street on account of the

steep slopes and dense vegetation surrounding it. Conrail's Newburgh branch services this area.

**b. Inland Area**

Beginning at Overlook Place in the southern portion of the inland area and heading north toward Lafayette Street there is an area of mixed residential, commercial and industrial uses with numerous vacant parcels scattered throughout. The majority of the residential and almost all of the commercial uses are located along Liberty Street, while the area between Johns Street and South Water Street comprises mainly industrial and vacant parcels. Many of the industrial buildings are either vacant or underutilized. Because most of the structures are of brick construction and in fair to good condition there is a potential in this area for rehabilitation and adaptive reuse. The partially completed residential renovation of the former foundry on Lafayette Street, known as Foundry at Washington Park, is an example of one type of adaptive reuse.

North of Lafayette Street is Washington's Headquarters, a National Historic Landmark property and museum. The site is bound by Lafayette Street on the South, Colden Street on the east, Liberty Street on the west and Washington Street on the north.

To the north of Washington's Headquarters is an area of mixed commercial, residential, municipal uses and vacant parcels. The Newburgh Public Safety Building housing the police and fire departments City Hall is located on the west side of Grand Street at Broadway. Commercial uses are concentrated around Broadway and Liberty Street, while the existing residential uses are located closer to Washington Street between Liberty and Grand. Twenty townhouse residential units are located east of the Public Safety Building fronting Colden Street. Across Colden Street heading toward South Water Street is an area of vacant urban renewal land.

Proceeding north past Broadway is a mixed use area consisting of commercial, residential and semi-public uses. Along Broadway around Liberty and Grand Streets, the land usage is commercial, followed by a church west of Grand Street. Multi-family residential uses are located between the church and First Street. The Key Bank and Maple Office buildings encompass approximately 5 acres and extend from the Broadway north to First Street.

The land area between First Street and Broad Street is, for the most part, residential with public and semi-public uses and isolated vacant parcels. Historic renovation and restoration activities have been completed on a number of structures in the area. The area between First and Broad Streets is an area undergoing housing rehabilitation and public improvements with the use of community development funds.

Between Montgomery Street, Water Street, and South Street is low-rise multi-family public housing and to the north of South Street at Water Street is a high-rise public housing development, both of which are in need of rehabilitation.

Mount Saint Mary's College is located to the west in the Historic District. It is bound by Gidney Street on the south, Liberty Street on the east, Powell Avenue on the west and a multi-family apartment development on the north. To the east of Liberty Street and north of Broad Street is a one- and two-family residential area. The neighborhood is generally in good condition. Finally, north of Broad Street along Water Street is Ferry Crossing, a new condominium development with excellent views of the Hudson River.

**c. Waterfront Area**

Beginning at the southernmost portion of the waterfront area which is the city's boundary with the Town of New Windsor, there is an underutilized marine industrial use, the Steel Style Shipyard. North of Steel Style spanning both sides of Renwick Street is the City of Newburgh Wastewater Treatment Plant, an unused City incinerator and Ward Brothers Memorial Rowing Park. The Conrail tracks run north-south and parallel the waterfront creating a barrier between the central business district and the waterfront. East-west streets tunnel under the track, but pedestrian access is less than adequate at the southern end of the waterfront area due to the former industrial nature of this area.

North of the City property is a former salvage/scrap metal yard closed by a New York State Department of Environmental Conservation consent order which extends northward to Washington Street. On the north side of Washington Street is a public boat launch area which was recently reconstructed, followed by a large restaurant, Gull Harbor Marina and a boat sales and storage facility.

Between First and Second Streets there is an area containing a number of commercial and industrial buildings two to five stories in height and

mostly of masonry construction, a rehabilitated residential building and some vacant land. To the north of this area is Newburgh Landing and waterfront park. Urban renewal parcels north and south of Newburgh Landing are being redeveloped for commercial use, including several restaurants and office/retail space. These developments also propose the construction of marinas to the north and south of Newburgh Landing. The water side marina developments are currently being reviewed by federal, state and local permitting agencies. A river walkway is under construction. The landing and bathroom facilities at Newburgh Landing will be renovated under a State grant awarded in 2000.

Between South and Clinton Streets the waterfront area is vacant and underutilized. Most of the land has been graded and covered with gravel. Only small outcroppings of vegetation and occasional weed growth exist at the water's edge. In the past, one of the underutilized parcels was occupied by a marine parts retailer and the second parcel by a sand and gravel distributor. The City was recently awarded a grant to reconstruct a portion of the South Street right-of-way into a landscaped park.

At the base of the Clinton Street right-of-way is the Regal Bag Company, an underutilized industrial/warehousing facility. Proposals for the adaptive reuse of the structures are being investigated.

Between Nicholl Street and Park Place is the Newburgh Yacht Club, a restaurant and a small marine supply store. Just north of the Yacht Club heading toward the Newburgh-Beacon Bridge is an area annexed from the Town of Newburgh. This parcel is the northernmost property in the waterfront area and is the site of a luxury condominium development, Pier Loun.

### **C. WATER-DEPENDENT AND WATER-ENHANCED USES**

Water-dependent uses within the waterfront area include: the City of Newburgh wastewater treatment plant; the Washington Street boat launch; Newburgh Landing waterfront park; and, Gull Harbor marina and the Newburgh Yacht Club. Boat slips are available and accessory to the Pier Loun residential development. Land has recently been made available to the Newburgh Rowing Club for a boat house and launch site at the Ward Brothers Memorial Park.

New water-dependent uses are planned, including a marina associated with Front Street on Hudson, and boat slips associated with the Joscocs development.

A water-enhanced use is defined by the Department of State as a use that has no critical dependence on the waterfront, but the profitability of the use and/or the enjoyment level of the users is increased significantly because the use is adjacent to or has visual access to the waterfront. Based upon this definition there are a number of water-enhanced uses within the waterfront area. Because of Newburgh's topography, many of the residences in both the southernmost portion and the northernmost portion of the LWRP area have excellent views of the Hudson River and the surrounding Hudson Highlands. Land uses at the base of Broadway also have river views. The various waterfront restaurants and the waterfront parks are also uses enhanced by their waterfront location.

#### **D. UNDERUTILIZED, ABANDONED OR DETERIORATED SITES**

##### **1. Southern/Quassaick Creek Area**

Underutilized former industrial land is located at the base of the "Heights" area adjoining Quassaick Creek. In addition, the steep slopes rising up to the Heights neighborhood is vacant. It is the City's intent for these slopes to remain as open space, and where possible, to create a nature preserve and public hiking trail between the Quassaick Creek and the top of the bluff bounded by Bay View Terrace, preserving as much as possible the forest habitats, trail opportunities, and creek shoreline now used heavily by fish and birds, especially by Marine Drive and Mill Street. Fishing and wildlife viewing are water-dependent uses which currently take place in this area. Scattered vacant and underutilized heavy commercial and industrial buildings are found in the vicinity of South Robinson Avenue, Mill Street and Commercial Place.

##### **2. Inland Area**

Beginning in the southern portion of the inland area at Renwick Street there are a number of vacant and underutilized parcels and abandoned, deteriorating and underutilized residential and industrial buildings. Although these structures are in deteriorating condition there is the potential for restoration and reuse. The area's close proximity to the historic Washington's Headquarters makes revitalization activities extremely important.

Along Colden Street and South Water Street between Washington Street, Broadway, and Second Street there is a large area of vacant urban renewal land generally bound by Broadway, Grand Street, South Street and Water Street. Various proposals have been made and two projects have been completed which reduce the amount of land available. The Key Bank and Maple Office buildings and a 20-unit townhouse project are both located west of Colden Street at Broadway. The townhome development is currently deteriorating and should be studied in regard to the possible feasibility of its redevelopment.

Between South Street and Nicholl Street there is a large amount of vacant land along Water Street. Topographic constraints account for a portion of the vacancy and the public housing projects which are in need of general maintenance and in some instances extensive rehabilitation may also account for some of the vacancy. The New York State Department of Transportation has reconstructed Water Street (Marine Drive) and has made improvements to the Newburgh-Beacon Bridge. The completion of these projects makes the area along Water Street more accessible. However, a study of providing on-street parking on Water Street is required as well as additional traffic control in order to make this area viable for redevelopment for commercial or other uses.

Throughout the inland area there are a number of isolated vacant parcels which would be suitable for infill development in conjunction with the existing commercial and neighborhood redevelopment and revitalization activities.

### **3. Waterfront Area**

Several parcels along the water's edge in Newburgh are either vacant, underutilized, deteriorating or abandoned. Steel Style, the City Incinerator site, the former salvage yards and the Regal Bag property represent underutilized uses of land. The former Newburgh Train Station is vacant. All of these areas have the potential for more intensive water-enhanced and/or water dependent uses.

## **E. PUBLIC ACCESS AND RECREATIONAL FACILITIES**

The Washington Street Boat Launch area, Newburgh Landing Park, and the recently created Ward Brother Memorial Rowing Park provide direct public access to the river.

Newburgh Landing Park lacks public support facilities such as recreation equipment, furniture, restrooms etc. There is potential for additional facilities to be located around the dock area. Structural repair, site improvements, facility improvements landscaping and general maintenance are needed. The City retained ownership to a 20-foot strip of riverfront property extending from Carpenter Street to South Street and adjoining the new commercial development under construction. Construction of the public walkway will commence in 2000. The 12-foot walkway will be designed with period lighting, street trees, benches, and waste receptacles.

The proposed public walkway through the Landing and the adjacent urban renewal parcels will greatly enhance access to the Hudson River shoreline. A new public parking area on the west side of Front Street is also under construction.

The City Council has recently dedicated 100 feet of land at the south end of the wastewater treatment plant parcel as a park for public access to the Hudson River as Ward Brothers Memorial Rowing Park and has entered into an agreement with the Newburgh Rowing Club to improve the property.

The Newburgh Yacht Club, another recreational facility, is not easily accessible. Public access by way of Park Place requires traveling a narrow roadway and entry through a single lane railroad underpass. Inaccessibility limits this area's availability. These facilities are not open for use by the general public.

Lastly, there is limited direct public access to the Quassaick Creek area of the waterfront. The City is supporting the development of a Quassaick Creek Estuary Preserve and Trail which would establish a nature preserve for fishing and wildlife viewing and a Greenway Trail linking land currently owned by Orange County in the adjoining Town of New Windsor (the former Diamond Candle property) with lands owned by the City and ultimately, if possible, linking Marine Drive on the east and Mill Street on the west. The existing sewer right-of-way and the railroad right-of-way between Quassaick Creek and Bayview Terrace offer opportunities for multiple uses such as hiking trails. Plans are underway to seek to restore the historic twin-arched bridge spanning the creek to create a link in the Greenway Trail connecting the Newburgh portion of the Estuary Preserve Trail with the New Windsor side of the creek. Initially, city-owned parcels (also former Diamond Candle property) will be included in the Estuary Preserve and Trail, with other lands in this area to be added where possible.

## **F. ZONING**

There are two existing zoning districts along the shoreline of the Hudson River and Quassaick Creek: the Waterfront 1 (W1) and the Waterfront 2 (W2) districts. The districts are illustrated on Map 3. The zoning districts permit and encourage a range of water dependent and water enhanced uses along the Hudson River. The regulations governing uses in the two waterfront districts are described in Section IV of the LWRP.

A locally designated Historic District protects the historic resources located within a portion of the LWRP area (refer to Map 4). The local historic district coincides to a large degree with the boundaries of the East End Historic District as illustrated on Map 5.

In addition to the waterfront and historic district designations, a View Preservation District overlay coinciding with the LWRP boundary regulates activities that may impact important vistas within the LWRP area. The regulations governing activities within the Viewshed Protection overlay district are contained in Appendix A. Map 6 illustrates the location of the protected viewplanes.

## **G. HISTORIC STRUCTURES, SITES AND DISTRICTS**

According to the City Historian, the Waroaneck tribe inhabited the Newburgh area. The Waroaneck tribe was a tribe of the Algonquin nation. The territory embraced by the City of Newburgh was land purchased from the tribe by Governor Dongan in 1684, and subsequently conveyed by patent to Captain John Evans in 1694. After the annulment of this patent, the entire district was conveyed in a number of smaller patents, among them, Patent No. 1, the German Patent, issued December 18, 1719. This patent covers the present-day City of Newburgh. These settlements were composed of immigrants from the Palatinate of the Rhine.

A number of historic structures and sites are located within the LWRP area. Washington's Headquarters (Jonathan Hasbrouck House) on Liberty and Washington Streets, is a National Historic Landmark property and museum operated by the Palisades Interstate Park Commission. A large portion of the City and the waterfront area is contained within the East End National Register Historic District. As mentioned previously, this area has also been designated a City Historic District, and activities involving the alteration and demolition of properties within the district are regulated.

Other structures, sites and districts listed on the National Register of Historic Places, include the following:

- 1) David Crawford House - 189 Montgomery Street
- 2) Dutch Reformed Church - Grand and 3rd Streets, NE Corner
- 3) Newburgh (New York State) Armory – Broadway
- 4) United States Post Office – Newburgh

On July 16, 1973, an area in the vicinity of Montgomery/Grand/Liberty Streets was listed on the National Register of Historic Places. On September 12, 1985, the district was expanded and placed on the National Register – it is now identified as the East End Historic District. A number historic structures located outside of the historic district were demolished in the early 1970's as part of urban renewal efforts. The City adopted its local Historic Overlay District in 1977 to protect remaining historic structures. Map 4 illustrates the location of the district. Most recently, the Old Town Cemetery and Palatine Church site received State Register listing on May 3, 2000.

## **H. SCENIC RESOURCES AND IMPORTANT VISTAS**

The Hudson River at Newburgh has historically been known for its setting of spectacular panoramic views and substantial vistas which include the river in the foreground and the hills, mountains and highlands which surround it forming the background. Vistas were

so spectacular and unique that the Hudson River School, a school for landscape painting, was formed in the 19th century. As the Hudson River School of Painting translated the splendor and power of the river's scenery onto huge canvases, so the architects placed their best works on large estates where they could enjoy the spectacular views and in turn improve their surroundings.”<sup>1</sup>

Although no upland area in the City has been designated a Scenic Area of Statewide Significance (SASS), the Hudson Highlands SASS extends from the southern boundary of the City to a point opposite the northern end of Dennings Point. The SASS is located on the east side of the Hudson River, south of the City of Beacon, and includes the Hudson River from the mean high tide line on the western shore, thereby including river waters within the City of Newburgh. It is included within the HH-27 Dutchess Junction Subunit. The scenic quality of this subunit is summarized in Appendix B.

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. It includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad. Whether within or outside a designated SASS, all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action would affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Many of the sites within the waterfront area have substantial vistas and/or panoramic views of the water and surrounding landscape. Because the topography in Newburgh steps up to form plateaus at varying elevations, structures as far west as Liberty Street have visual access to the river in some locations. Developments along the foot of Broadway and on the east side of Montgomery Street have virtually unobstructed views of the river and its surrounding environs. New developments within the waterfront area, proposed, under construction and recently completed, are taking full advantage of Newburgh's visual assets.

To protect, preserve and enhance these scenic public views, the City adopted a local law to establish a View Preservation District (see Appendix A). The following view planes within this district have been identified for protection:

- Grand and Washington Streets
- Washington's Headquarters
- Broadway and Colden Street
- Grand and Second Streets

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<sup>1</sup> *Barry Benepe and Arthur Channing Downs, Jr., Newburgh Revealed (Newburgh New York, 1983).*

- Public Library
- First and Grand Streets
- Montgomery Street and Leroy Place
- Montgomery Street
- Leroy Place and Park Place

The location of the view planes are illustrated on Map 6.

## **I. TOPOGRAPHY**

Topography in Newburgh's waterfront area is characterized by relatively flat areas between the Hudson River and the West Shore Railroad tracks and moderate to excessive slopes further inland. Map 7 illustrates the City's topographic pattern.

### **1. Southern/Quassaick Creek Area**

In the Southern/Quassaick Creek area, steep slopes are prevalent between the railroad line and Bay View Terrace. The terrain rises from river level to an elevation of approximately 140 feet msl at the edge of a plateau where Bay View Terrace is situated. Bay View Terrace is located at the plateau's edge and there is no level terrain along the street's eastern or southern edge to situate structures. As a result, homes that front on the western and northern side of the road, and pedestrians walking along its sidewalks have excellent, uninterrupted views of Newburgh's shoreline, the Hudson River and surrounding highlands.

### **2. Waterfront Area**

Topography in the waterfront area, between the river and the railroad lines/Water Street is flat with slight increases in topography occurring just north of Second Street. At First Street, the railroad tracks are elevated and at-grade crossing is not possible. Underpasses for vehicular and pedestrian access to the immediate shoreline occur at Carpenter Street, Second Street, Third Street and Fourth Street. The underpasses at First Street and Fifth Street are being reopened for pedestrian access only. The West Shore railroad line is elevated at the middle and northern end of the waterfront area. The stone abutment upon which the line travels creates an attractive retaining wall with cut stone facing Front Street and Water Street.

### **3. Inland Area**

As mentioned previously, the inland portion of the LWRP area steps up from the river line to a broad plateau, the edge of which is readily identifiable at the eastern end of Broadway. Many properties and buildings with river views are

notably in better condition than properties without river views. This trend would indicate that river view properties are desirable locations in the City worth the investment which may be necessary to rehabilitate and reuse some of the older buildings in this area.

Much of the remaining undeveloped land in the waterfront area consists of urban renewal parcels constrained to some extent by steep topography. Although these topographical characteristics require special consideration during site preparation and development, these properties also provide opportunities to developers to take full advantage of the waterfront views.

#### **J. SOIL AND BEDROCK FORMATIONS**

According to the Development Consideration's Map provided by the Department of State for the Coastal Management Program<sup>2</sup>, the majority of land within the LWRP area has a high water table and shallow soils with the exception of the following two areas: 1) the land area in the vicinity of the Newburgh Yacht Club and 2) the land area bounded by Water Street on the east, Nicholl Street on the north, Montgomery Street on the west, and South Street on the south. The latter area is partially vacant urban renewal land in the southwest corner; the site of high-rise public housing in the southeast corner; and urban renewal land along Water Street.

#### **K. FLOOD HAZARD AREAS**

The National Flood Insurance Program allows property owners to purchase subsidized, federally-backed flood insurance with communities that participate in the program. In return for this insurance protection, participating communities implement floodplain management procedures to reduce flood risks to new development. Through this mechanism, the Federal Emergency Management Agency (FEMA) and participating communities are able to reduce future flood losses.

A Flood Insurance Rate Map (FIRM) is prepared by FEMA for each municipality which illustrates the Special Flood Hazard Areas, i.e., areas subject to inundation by a flood having a one percent (1%) or greater probability of being equaled or exceeded during any given year. This flood is referred to as the 100-year flood or base flood, and the area of inundation as the 100-year floodplain. During any 30-year period, the change is approximately 26 percent that one or more floods will equal or exceed the 100-year flood level.

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<sup>2</sup> All references to the New York State Coastal Management Program (NYSCMP) refer to the State of New York Coastal Management Program and Final Impact Statement prepared by the U.S. Department of Commerce, Office of Coastal Zone Management and New York Department of State, August 1982.

The Flood Hazard Boundary Map for the City of Newburgh, dated March 15, 1974 and revised June 5, 1985, designates those areas prone to flooding at the 100-year flood level. For the most part, the flood hazard area extends just a few hundred feet in from the mean high tide level. The 10-foot contour level is generally used to determine the 100-year flood boundary.

In the Southern/Quassaick Creek area, the zone borders Quassaick Creek remaining between the Erie Railroad line and the creek until the railroad crosses Walsh's Road. At Walsh's Road, the flood zone shifts toward the northwest bordering both sides of the creek and completely surrounds Muchattoes Lake.

The flood hazard area which extends along the Hudson River generally remains close to the water's edge. All of the docks of the Steel Style Shipyard are within the flood hazard area as well as most of the filled and bulkheaded areas along the shoreline.

#### **L. FRESHWATER WETLANDS**

The USF Fish and Wildlife Service (USFWS) prepares National Wetland Inventory (NWI) maps identifying potential locations for wetlands within a community (Appendix C). According to data contained on the NWI map for Newburgh, two small isolated wetlands are located on the Steel Style site and adjoining the West Shore rail right-of-way. These small wetland pockets have been formed in depressions or excavated areas where water seasonally floods or collects. Permanent riverine tidal wetlands are also be found at locations along Quassaick Creek (see Map 7).

#### **M. WATER QUALITY**

The water quality classifications for waters within the City of Newburgh are as follows:

<u>Location</u>	<u>Water Quality</u>
Quassaick Creek	C
Hudson River	A

Both water quality classifications found in Newburgh are fresh surface water classifications. Class "A" waters are suitable for drinking, culinary or food processing purposes, and primary contact recreation which includes, but is not limited to, such uses as swimming, diving, boating, waterskiing and fishing. The best uses of Class "C" waters are for fishing and fish propagation.

## N. SIGNIFICANT FISH AND WILDLIFE AREAS

There are no state-designated Significant Coastal Fish and Wildlife Habitats in Newburgh. However, according to the New York State Department of Environmental Conservation's Hudson River Estuary Program, the Quassaick Creek corridor provides important habitat for fish and wildlife worthy of conservation. East of Marine Drive, the trees along the shoreline of the creek are heavily used by blackbirds and other wildlife and provide important shading for the fish habitats of the tidal creek. West of Marine Drive and extending as far as Mill Street, a forested glen occupies the Quassaick Creek corridor from the creek shoreline to the top of the bluff (Bay View Terrace) – this area is known to provide roosting habitat for bald eagle and also supports black-crowned night herons, wild turkey and cooper's hawk as well as numerous mammals, reptiles and amphibians. The creek itself is thought to have historically provided passage for migratory fish as far west as the falls that were dammed to form Muchattoes Lake. Today, the creek is an increasingly important spawning habitat for blueback herring and other species up to the extent of the tide. Thirty-five species have been documented in the creek. The following list includes fish that either reside in or migrate through the Hudson River at Newburgh.

"Anadromous fishes: (Species that migrate from ocean to estuary for spawning) alewife, american shad, american smelt, blueback herring, atlantic sturgeon, shortnose sturgeon, striped bass, tomcod.

Catadromous fishes: (species that migrate from freshwater to ocean to spawn) american eel.

Freshwater Resident fishes: White crappie, yellow perch, chain pickerel, largemouth bass, smallmouth bass, northern pike, white sucker, fallfish, walleye, pumpkinseed, bluegill, rock bass, red breast sunfish, black crappie.

Traditional Fishes: (This group includes anadromous fishes which may have resident subpopulations, and freshwater fishes which may be found in saline waters of the lower river as well as in freshwater). Atlantic sturgeon, shortnose sturgeon, striped bass, goldfish, carp, white sucker, brown bullhead, white catfish, white perch.

Commercially important species: Alewife, blueback herring, american shad, striped bass, atlantic sturgeon, tomcod, eel, carp, white catfish."<sup>3</sup>

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<sup>3</sup> *Final Environmental Impact Statement, Newburgh-Beacon Bridge Expansion Interstate Route 84, Department of Transportation, 8/1975.*

The Lower Hudson Basin Tributary Study prepared by The Heritage Task Force for the Hudson River Valley (December 1990) recommended a demonstration project be implemented for Quassaick Creek to restore habitat and develop public recreation.

Initial studies by the staff of the U.S. Fish and Wildlife Service and the Hudson River Foundation suggest that historic spawning range for river herring might be restored on Quassaick Creek through removal or breaching of one or more man-made barriers to fish passage which exist below Muchattoes Lake. A coalition of citizen organizations and the City of Newburgh are examining the possibility of creating an Estuary Preserve in the area west of Marine Drive from the creek to the top of the bluff on Bay View Terrace, going west as far as Mill Street. The preserve would serve to protect the habitats described above and provide a nature trail for compatible recreation.

#### **O. WATER AND SEWER SERVICE**

The entire waterfront area is serviced by public water and sewer lines. In some areas storm sewers and sanitary sewers are combined. Because of the size and age of many of the lines, existing pipes may need to be replaced to achieve a larger capacity and more efficient system as new development occurs. It is the City's policy that any newly installed systems must have separate storm and sanitary sewer lines.

The City of Newburgh Wastewater Treatment Plant is located at the foot of Renwick Street, between South Water Street and the Hudson River. The city's incinerator is located on this site as well, but at the present time it is inoperative.

In the early 1970's the City installed a sewage interceptor system which regulates the flow of storm water and sanitary waste from discharge points throughout the LWRP area. The system has eleven discharge flow regulators and two major interceptor lines, the South Interceptor, which was completed in 1970, and the North Interceptor which was completed in 1972. The benefit of this system is that excess stormwater runoff and sewage is regulated and treated in an effective and efficient manner.

#### **P. TRANSPORTATION**

The City of Newburgh is well situated and served by a regional transportation network. U.S. Interstate 84 is located just north of the City and may be accessed via interchanges with the town road extensions of Robinson Avenue and DuBois Avenue. The New York State Thruway is located west of the City and is accessed traveling west along Broadway which turns into Route 17K in the adjoining Town of Newburgh. NYS Route 9W is a major north-south arterial within the City, linking the City with the Towns of New Windsor and Cornwall to the south, and the Town of Newburgh to the north.

The New York State Department of Transportation completed three projects which impact Newburgh: 1) the Newburgh-Beacon Bridge Expansion; 2) the Route 9W/I-84 interchange improvements; and 3) the Water Street/Marine Drive Reconstruction. According to NYSDOT, the purpose of these projects was to provide relief for existing traffic congestion, increase road and highway capacity for future traffic growth, and reduce accident potential. The reconstruction of Water Street eliminated on-street parking. This should be re-studied in order to improve the availability of parking for new commercial and residential development.

Rail transportation in Newburgh is limited to freight service only on the West Shore line. At one time, passenger service was available, and trains stopped at the Newburgh Train Station located on the east side Water Street between 1st and Carpenter Streets. This architecturally attractive building is now vacant and in deteriorating condition. Passenger service is presently available via rail stations located in Beacon and at Salisbury Mills/Cornwall. Limited bus service is available in the city.

The West Shore Line is now being operated by CSX. CSX is actively promoting rail to truck container shipping.

Water transportation is limited to small water craft and an occasional barge. Small water craft can either be docked at the Newburgh Yacht Club or launched from the reconstructed boat launch at Washington Street. Transient boats may dock temporarily at Newburgh Landing or at the Yacht Club. In the summer, Newburgh Landing is used by tour operators providing boat cruises on the Hudson River.

## **Q. PLANNING ISSUES**

The planning factors that influence activities within the LWRP area are summarized on Map 8. After a review of these factors, a number of issues pertaining to the LWRP area became evident. Planning issues within the LWRP area include the following items.

### **1. Southern/Quassaick Creek Area**

- Limited public access is available along Quassaick Creek.
- Habitat restoration will be necessary to promote reuse of the creek
- Habitat conservation will be important in order to promote fishing, wildlife viewing and natural resource conservation along the corridor of the Quassaick Creek and adjoining forested steep slopes.

## **2. Inland Area**

- There are a number of vacant, deteriorated and underutilized parcels scattered throughout the inland area.
- There are a number of structures in the vicinity of Washington's Headquarters that are vacant, underutilized and/or in deteriorating physical condition. Improvements in this area to enhance its historic qualities are important.
- Continued façade and streetscape improvements are needed along the Lower Broadway corridor.
- The Lower Broadway corridor needs to be connected with the waterfront area.
- Substandard housing should be rehabilitated within the LWRP area.
- Existing historic structures within the City's Historic district should be revitalized and reused.

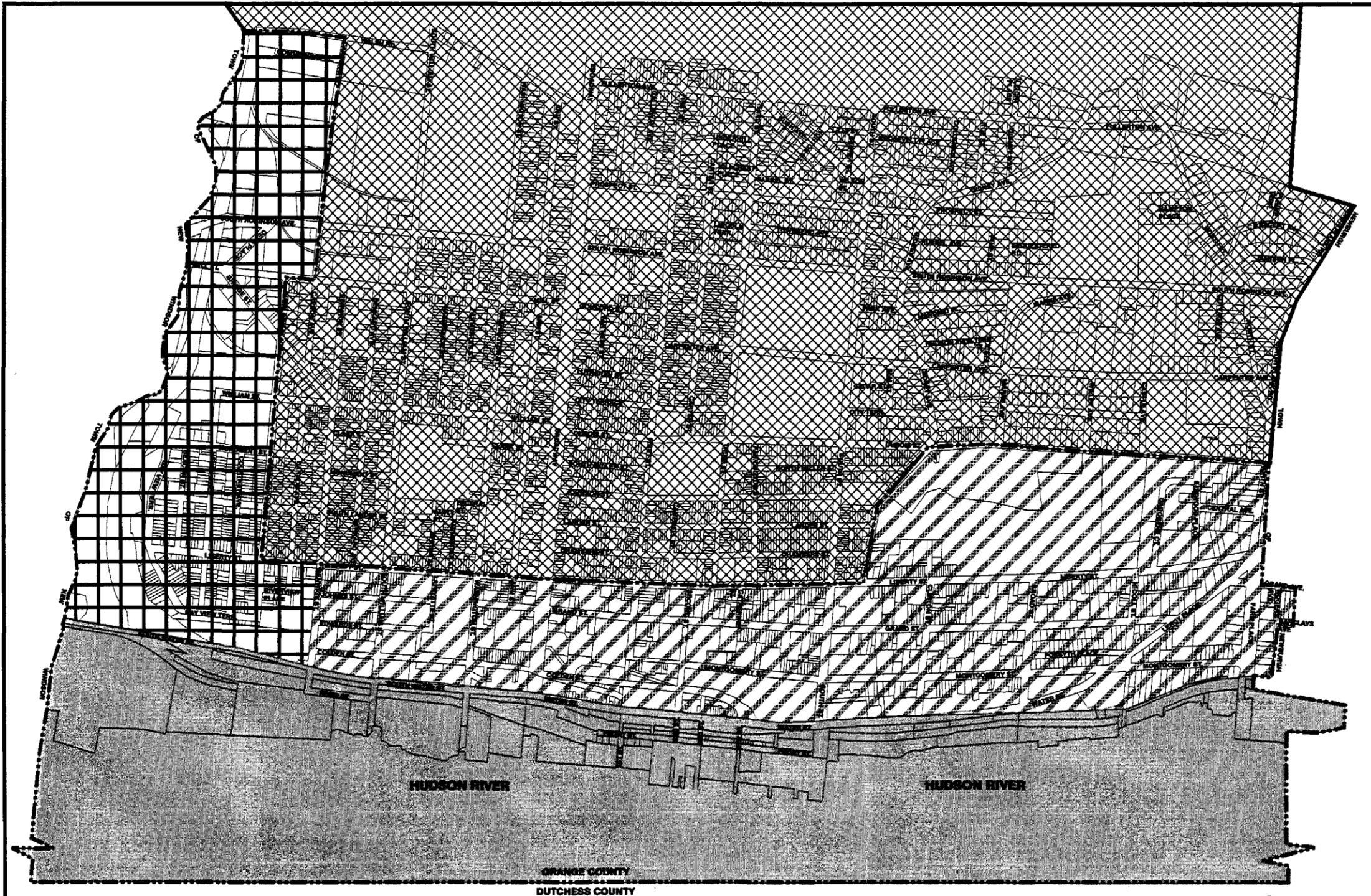
## **3. Waterfront Area**

- There are a number of deteriorated and underutilized parcels along the Hudson River, especially the former scrap metal salvage yard, Regal Bag Building, the City Incinerator site and the underutilized Steel Style Shipyard which should be studied for reuse.
- A number of former industrial and utility sites, including the former scrap metal salvage yard and the City Incinerator site, may require environmental remediation prior to reuse for their intended land uses and public access.
- Existing public access to the shore needs to be improved. New public access should be integrated into redevelopment projects.
- River views need to be protected in accordance with local regulations.
- Existing public access at Newburgh Landing Park is in need of physical improvements and general maintenance.
- The Ward Brothers Memorial Rowing Park should be developed to improve public access.

- There are a limited number of boat pump out stations along the Hudson River. The feasibility of placing a facility at the Newburgh Wastewater Treatment Plant should be explored.
- A shortage of parking may be experienced as use of the waterfront increases. Parking demand should be monitored on a regular basis to ensure an adequate supply of parking facilities.

**4. Entire Waterfront Revitalization Area**

- Water-related and water-enhanced developments should be promoted that are consistent with uses permitted in the waterfront zoning districts.
- Natural features within the LWRP area are important and need to be protected.
- The City's existing views and vistas, which give Newburgh its unique visual character, should be protected and enhanced.
- The impacts associated with anticipated increases in boating activity should be assessed.
- Determine types of improvements that are needed along the waterfront. For example: structural repairs (ie: seawall, bulkheads), landscaping, parking improvements, park furniture.
- Review and approve architectural design district guidelines for the waterfront area to ensure attractive development and redevelopment of property and structures within the LWRP area.
- Water supply, sanitary and stormwater sewer facilities, telecommunication and other infrastructure improvements should be upgraded as redevelopment occurs within the waterfront.
- New waterfront development will require costly infrastructure improvements. The City should continue to actively pursue a variety of funding sources to encourage development and revitalization. Leverage funding through public and private partnerships.
- Signage is required to link inland portions of the LWRP area with the waterfront area.



-  **WATERFRONT AREA**
-  **INLAND AREA**
-  **SOUTHERN/ QUASSAICK CREEK AREA**
-  **AREA OUTSIDE LWRP**

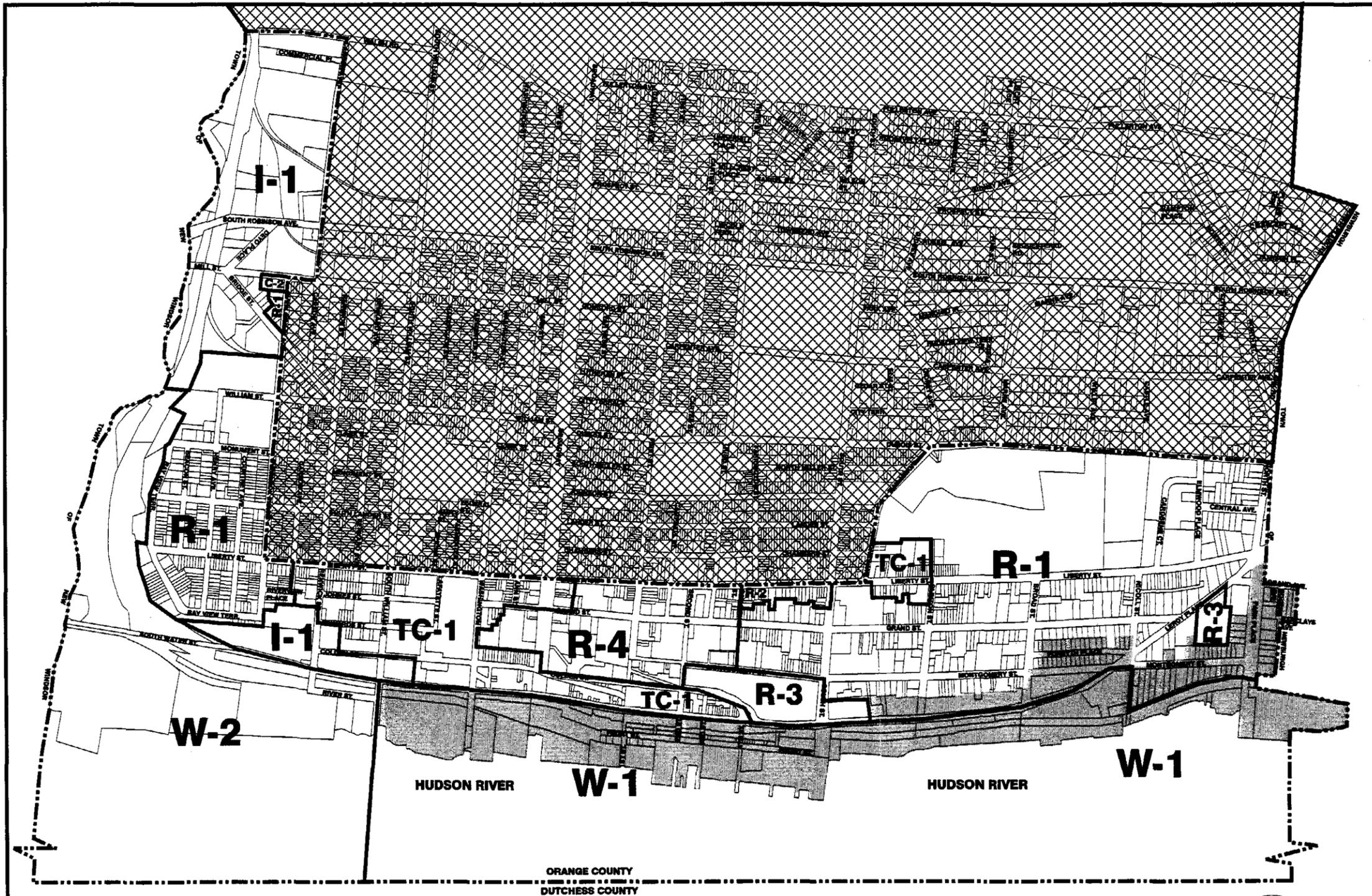
 **LWRP Boundary**

**Map 2:  
PLANNING AREAS**

**Stuart Turner & Associates**  
 PLANNING & DEVELOPMENT CONSULTANTS  
 Last Revised: 2003  
 BASE MAP: ORANGE COUNTY WATER AUTHORITY



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK



**AREA OUTSIDE LWRP**

**DISTRICT DESIGNATIONS**

- R-1** ONE FAMILY RESIDENTIAL
- R-2** TWO FAMILY RESIDENTIAL
- R-3** THREE AND FOUR FAMILY FAMILY RESIDENTIAL
- R-4** PROFESSIONAL AND BUSINESS OFFICE
- TC-1** TOURIST COMMERCIAL
- C-2** GENERAL BUSINESS
- I-1** LIGHT INDUSTRIAL
- W-1** WATERFRONT RESIDENTIAL/ RECREATIONAL/ COMMERCIAL
- W-2** WATERFRONT INDUSTRIAL

**HUDSON WATERFRONT ARCHITECTURAL DESIGN DISTRICT**

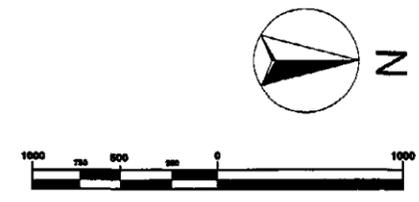
**VIEW PRESERVATION OVERLAY (VPO)**  
 (NOTE: The VPO District coincides with the LWRP Boundary - See Map 6)

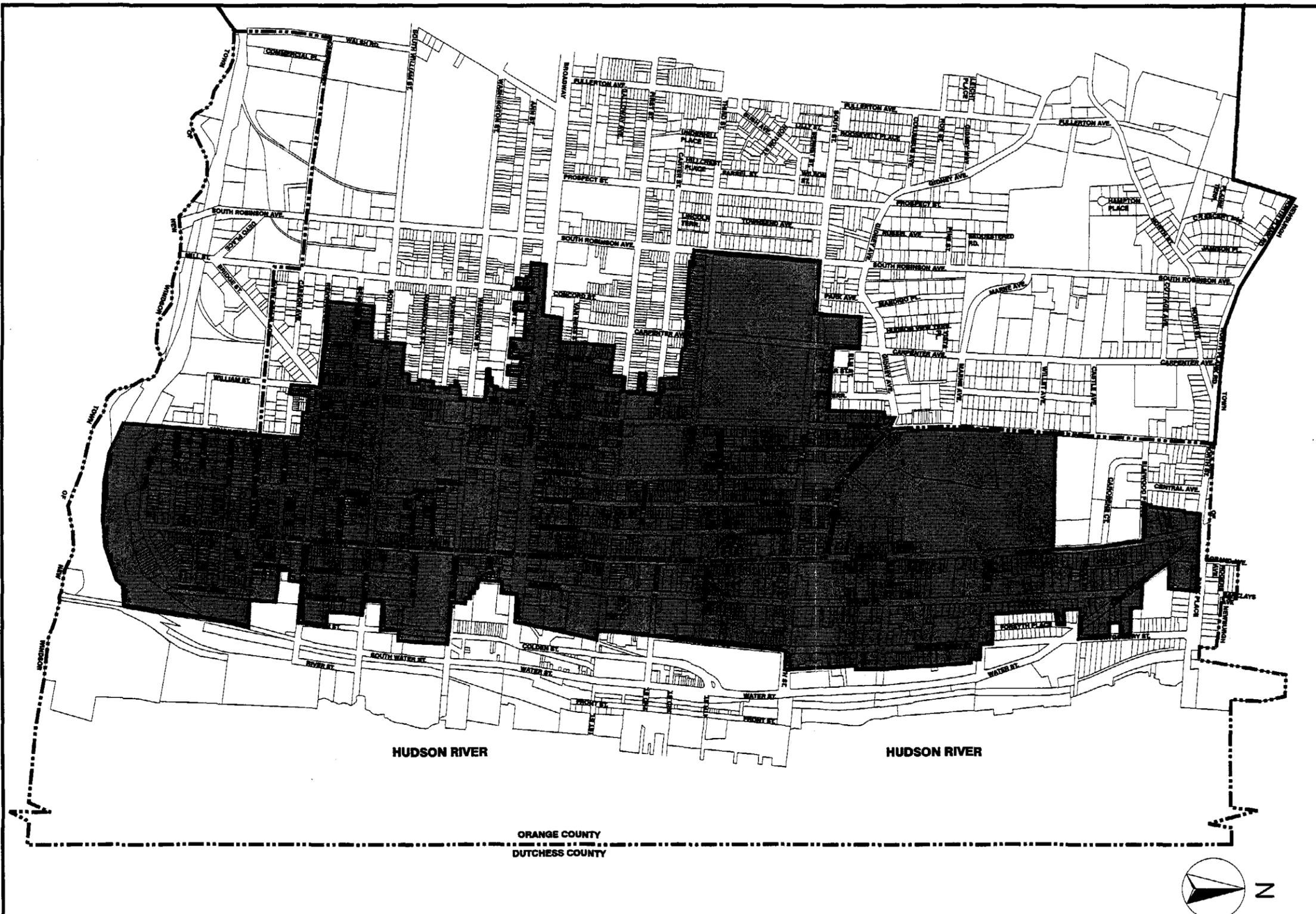
**LWRP Boundary**

**Map 3:**  
**ZONING DISTRICTS**

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 BASE MAP: ORANGE COUNTY WATER AUTHORITY

**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK

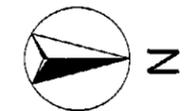




**HISTORIC OVERLAY DISTRICT**

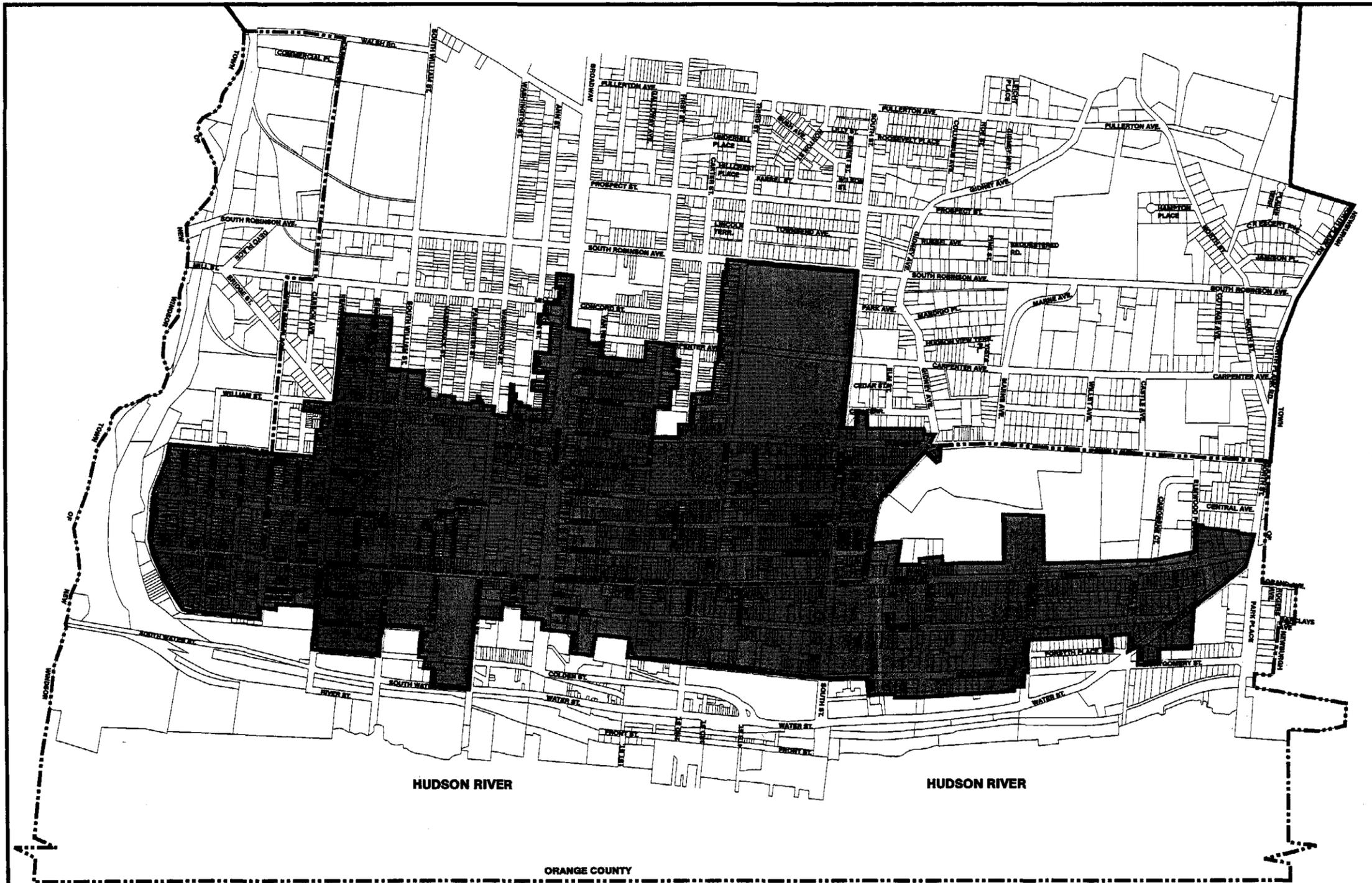
LWRP Boundary

**Map 4:  
HISTORIC OVERLAY DISTRICT**  
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**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK

ORANGE COUNTY  
 DUTCHESS COUNTY

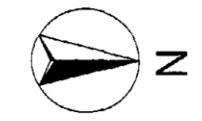


**EAST END HISTORIC DISTRICT**

LWRP Boundary

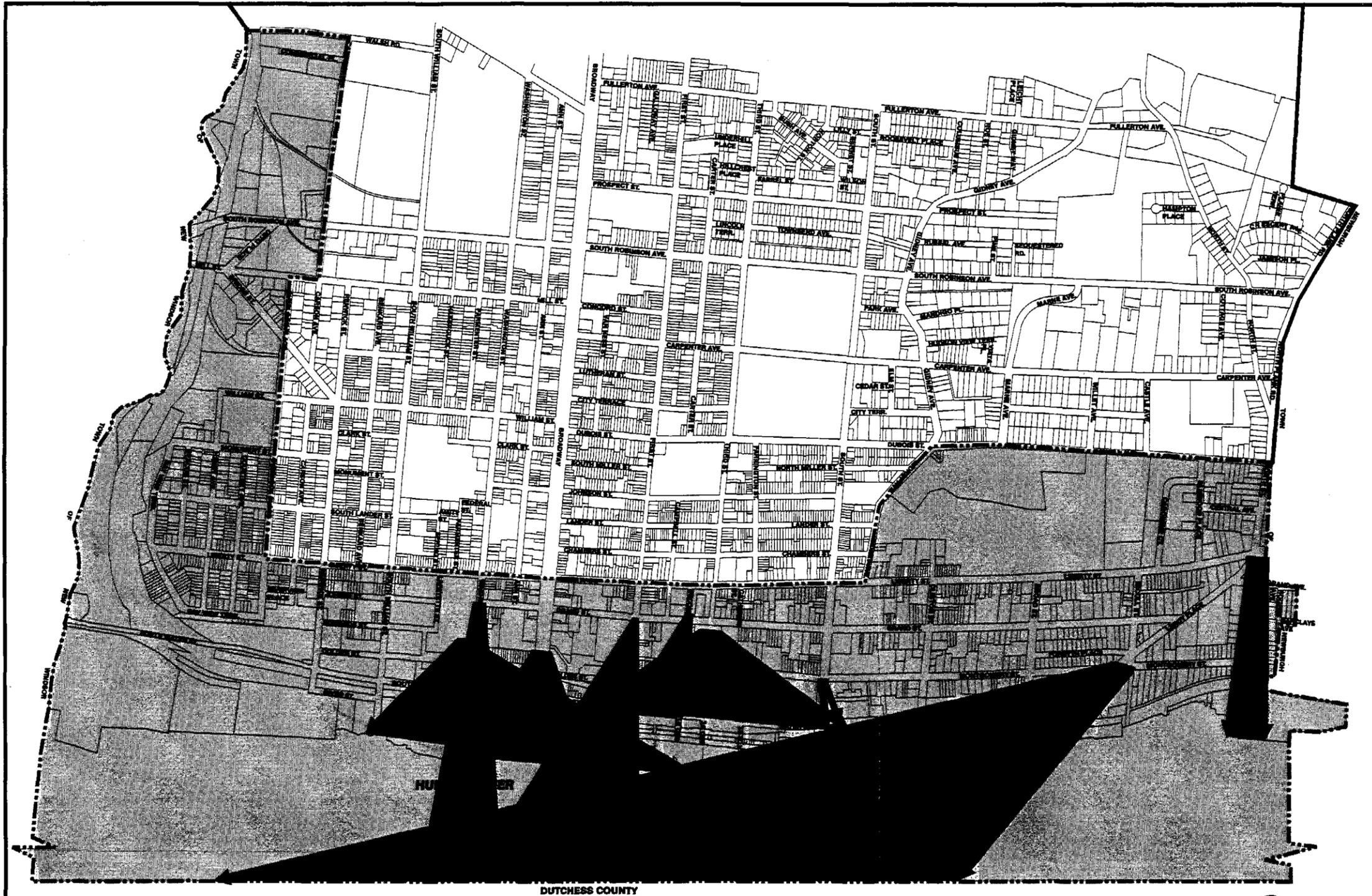
**Map 5:**  
**NATIONAL REGISTER**  
**HISTORIC DISTRICT**  
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 BASE MAP: ORANGE COUNTY WATER AUTHORITY



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK

ORANGE COUNTY  
 DUTCHESS COUNTY



 **VIEW PRESERVATION DISTRICT (OVERLAY)**

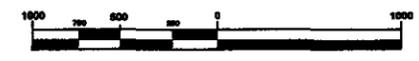
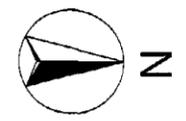
 **PROTECTED VIEW PLANES**

1. GRAND ST. AND WASHINGTON ST.
2. WASHINGTON'S HEADQUARTERS
3. BROADWAY AND COLDEN ST.
4. GRAND ST. AND SECOND ST.
5. PUBLIC LIBRARY
6. FIRST ST. AND GRAND ST.
7. MONTGOMERY ST. AND LEROY PL.
8. MONTGOMERY ST.
9. LEROY PL. AND PARK PL.

 LWRP Boundary

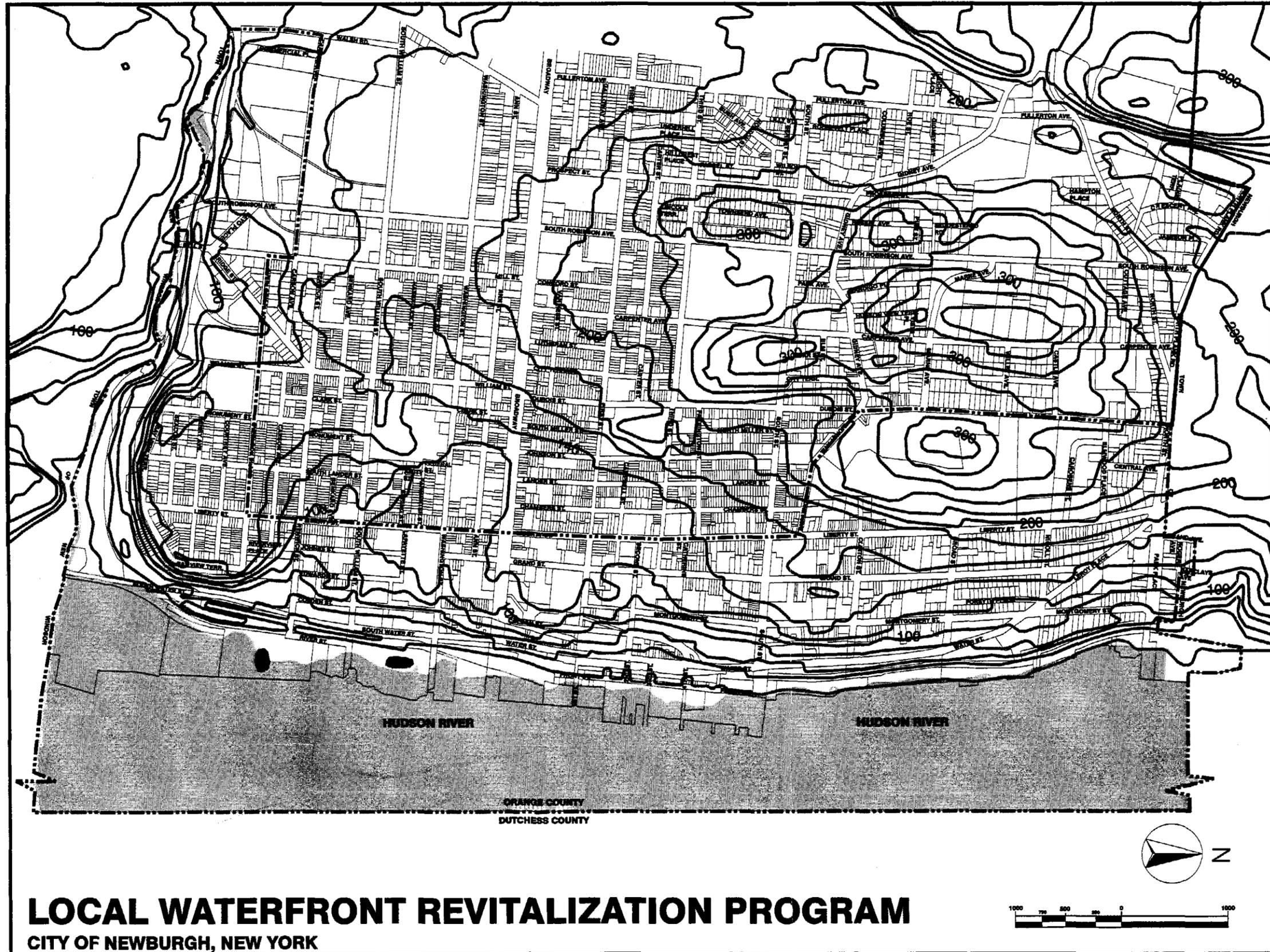
**Map 6:**  
**VIEW PRESERVATION DISTRICT**

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 BASE MAP: ORANGE COUNTY WATER AUTHORITY



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK

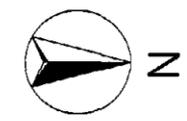
DUTCHESS COUNTY



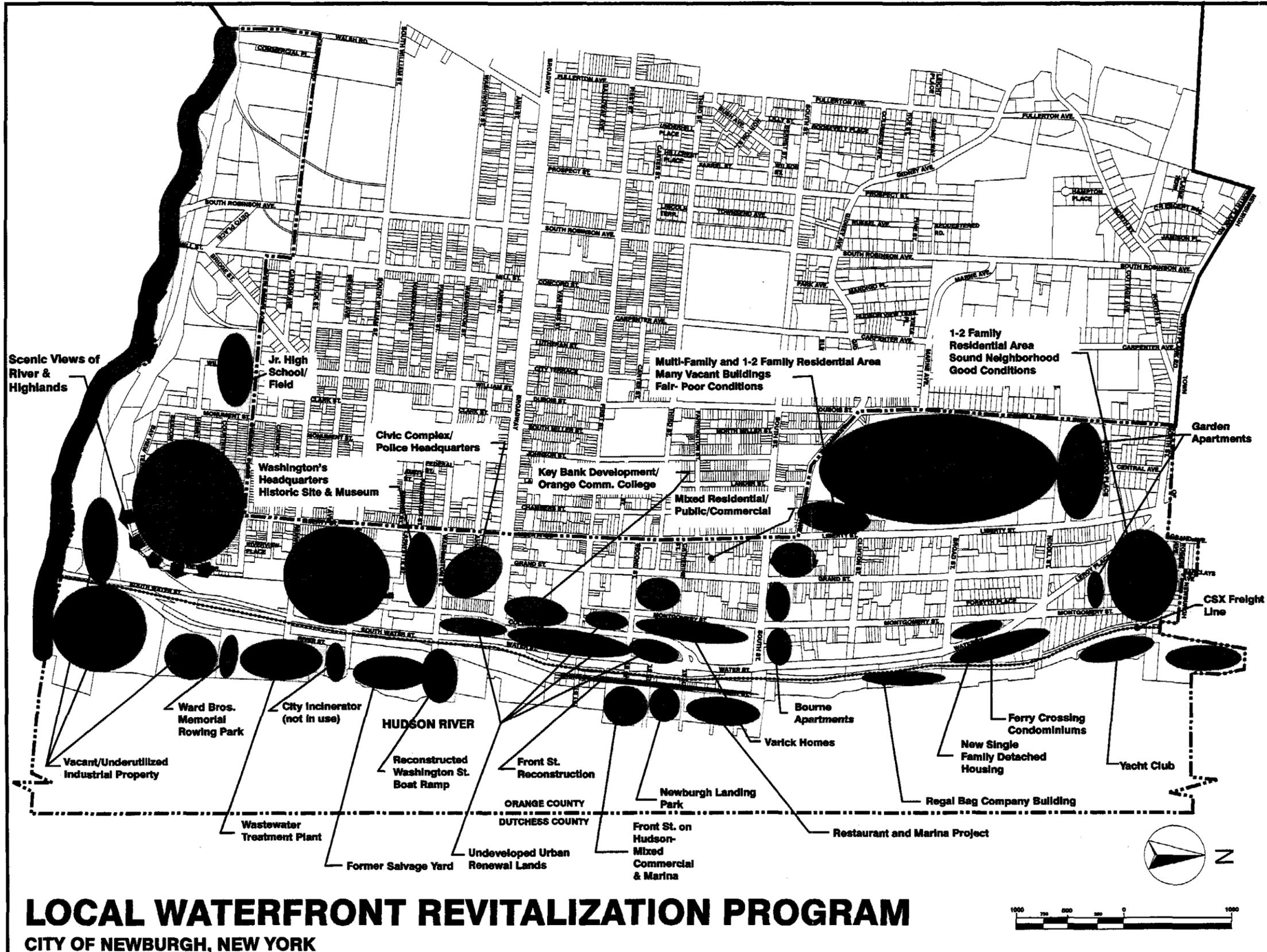
- NWI Wetland
- FEMA 100-yr Flood Plain

LWRP Boundary

**Map 7:**  
**ENVIRONMENTAL**  
**FEATURES**  
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 Last Revised: 2003  
 BASE MAP: ORANGE COUNTY WATER AUTHORITY



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
**CITY OF NEWBURGH, NEW YORK**



**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
**CITY OF NEWBURGH, NEW YORK**

--- LWRP Boundary

**Map 8:**  
**PLANNING FACTORS**

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 PLANNING & DEVELOPMENT CONSULTANTS  
 Last Revised: 2003  
 BASE MAP: ORANGE COUNTY WATER AUTHORITY

**SECTION III**  
**COASTAL POLICIES**

**Section III. LOCAL POLICIES AND APPLICABLE STATE POLICIES**

**DEVELOPMENT POLICIES**

- POLICY 1** RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.
- POLICY 1A** REDEVELOP AND REVITALIZE THE LAND AREAS ADJACENT TO THE HUDSON RIVER FOR WATER DEPENDENT AND WATER-ENHANCED COMMERCIAL, RECREATIONAL, AND OPEN SPACE USES.
- POLICY 1B** REDEVELOP AND REVITALIZE THE LAND AREA BETWEEN THE RAILROAD TRACKS AND THE HUDSON RIVER TO INCLUDE WATER DEPENDENT AND WATER ENHANCED COMMERCIAL, WATER DEPENDENT LIGHT INDUSTRIAL, RECREATIONAL, AND OPEN SPACE USES WHICH CAN INCORPORATE PUBLIC ACCESS TO THE WATER.
- POLICY 1C** REDEVELOP AND REVITALIZE THE LAND AREA WEST OF MARINE DRIVE FOR COMMERCIAL, CULTURAL, RECREATIONAL, AND RESIDENTIAL USES WITH EMPHASIS ON INTEGRATING USES WHICH ARE WATER ENHANCED SUCH AS PUBLIC POCKET PARKS WITH VIEWS TO THE RIVER.
- POLICY 1D** CREATE A PEDESTRIAN LINK OF THE USES ALONG THE WATERFRONT AND LINK THE WESTERN PORTION OF THE LWRP AREA WITH THE WATERFRONT, ESPECIALLY ALONG THE BROADWAY CORRIDOR AND FROM WASHINGTON'S HEADQUARTERS AND THE MONTGOMERY-GRAND-LIBERTY STREETS HISTORIC DISTRICT NEIGHBORHOODS.
- POLICY 1E** WATER-RELATED AND WATER-ENHANCED USES WILL BE GIVEN PRIORITY ON THE WATERFRONT PARCELS.
- POLICY 1F** PURSUE DEVELOPMENT OF THE HUDSON RIVER INTERPRETIVE CENTER ON LANDS WITHIN THE WATERFRONT AREA.

## Explanation of Policy

Land usage within the waterfront area is characterized by large areas of residential usage, industrial usage and open space, interspersed with public and semi-public uses, and a limited amount of commercial and public recreational space. There is a substantial amount of vacant, underutilized, and deteriorating parcels throughout the area, a significant portion of which is suitable for revitalization and redevelopment.

Among the vacant and underutilized land within the LWRP area is the urban renewal land along Water Street owned by the Newburgh Community Development Agency and the waterfront parcels located between South William Street on the south and Washington Street on the north. The City has been actively pursuing a combination of residential, commercial, and public usage of the urban renewal land. On either side of Newburgh Landing are former urban renewal parcels which are currently under construction for commercial and restaurant uses. To the south of the Landing, two retail/office buildings totaling approximately 8,500 square feet are under construction, and a 141-slip marina is in the permitting and approval stage. To the north an 8,500 square foot restaurant is under construction. This plan includes a small number of boat slips primarily to be used by restaurant patrons. A public walkway built on a 20 foot right-of-way will wind along the river shoreline through both proposed projects as well as Newburgh Landing.

The vacant land along the Quassaick Creek offers opportunities for such water dependent uses as fishing and wildlife viewing and trails. The City has been actively working with the NYS Department of Environmental Conservation as well as a coalition of community groups to create a nature preserve and greenway trail along the creek from its confluence with the Hudson River up to Mill Street, and if possible, even farther west. Where possible, the nature preserve and trail would extend from the shore of the creek to the top of the bluff (Bay View Terrace) thus also protecting scenic vistas as well as wildlife and fish habitats.

Rehabilitation and revitalization of the vacant, abandoned, deteriorating, and underutilized structures within the inland area especially in the vicinity of Washington's Headquarters, Lower Broadway, and the Montgomery-Grand-Liberty Streets area shall be priority items. Incentives, if available (tax, loans, technical aid); public improvements to encourage infill development of residential, institutional, and commercial structures; rehabilitation of existing structures and facilities; and the expansion of public recreational land and open space in appropriate locations within the waterfront area shall be priority activities.

For purposes of a waterfront connection between the Central Business Districts (CBD) and the river, Broadway presents the best and most logical linkage. Uses and activities which encourage and enhance the use of the waterfront both visually and physically as

well as uses with a large patron appeal and pedestrian orientation are encouraged along lower Broadway as are physical improvements such as pedestrian walkways, public open space and landscaping, and structural improvements. Uses which enhance and promote the waterfront and are in the public interest will be given priority by the City during review.

All new development must be compatible with the waterfront. This would include compatible heights and building mass, complimentary facades, and appropriate landscaping. These compatibility objectives will help to unify the area.

Redevelopment and revitalization activities which maximize the use of the waterfront would greatly improve Newburgh's physical appearance and economic condition. Water-related and water-enhanced uses on waterfront parcels are encouraged and will be given priority where environmentally feasible, economically practical, and where consistent with city planning objectives.

When actions are proposed that will affect the revitalization, development, or redevelopment of parcels in the waterfront area, they will be evaluated in terms of compliance with the above policies. More specifically:

1. No actions that would cause deterioration of the waterfront area will be approved.
2. Uses that are water-dependent will be given priority over uses that are not water-dependent.
3. All actions shall enhance existing and anticipated uses.
4. Wherever possible uses along the river shall include waterfront public access and/or recreational uses.
5. All actions, especially public actions, shall serve as a catalyst to private investment in the area.
6. Priority shall be given in the allocation of public monies to aid development or redevelopment of parcels in the waterfront area to those projects which create employment opportunities and expand the tax base.
7. All actions shall improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (i.e., a building could not be abandoned without protecting it against vandalism and/or structural decline).
8. All actions must lead to development which is compatible with the character of the area. Consideration shall be given to scale, architectural style, density, and

intensity of use. Adaptive reuse will be used, wherever possible, as a technique to preserve existing structures along the water.

9. All actions should have the potential to improve the existing economic base of the community.
10. All actions where feasible and appropriate should improve adjacent and upland views of the water, and, at a minimum, must not affect views in an insensitive manner.

(See Policies 2, 5, 11, 11A, 19, 21, 23, 25)

**POLICY 2                    FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require a waterfront site will, in fact, have access to the State's coastal waters.

The following uses and facilities are considered as water-dependent:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);

8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
9. Support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the dependent use, rather than on the shore.

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront.

There are a limited number of water-dependent uses located within Newburgh's LWRP area. These include Gull Harbor Marina, Washington Street Boat Launch, Newburgh Landing Waterfront Park, and the Newburgh Yacht Club. In addition, boat slips are planned for the Joscós development and a marina at the Front Street on Hudson development. These projects are currently in the permitting review process. Boat slips are available to residents as an accessory use to the Pier Loun residential development.

It will be the City's priority where practical to expand existing and attract additional water dependent uses and activities on all waterfront parcels. The following actions will be taken to promote and facilitate water-dependent uses:

1. Water-dependent uses will be favored when considering new developments.
2. City owned property within the LWRP area when available for re-use will be considered for water-dependent uses first. Water enhanced uses will be given second priority.
3. Development incentives for water-dependent uses will be offered when necessary and/or required to encourage development. Consideration will be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Uses which are water enhanced will be encouraged within the LWRP area, but not at the expense of a water dependent use.

5. If there are no immediate demands for water dependent/water enhanced uses within the LWRP area but future demands are foreseeable, non-water dependent uses will be considered.

In the actual choice of sites where water dependent uses will be encouraged and facilitated, the following guidelines will be considered.

1. Competition for space - competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. For instance an industrial water-dependent use would be more appropriate in the southern portion of the area near the Sewage Treatment Plant than in the northern portion near the Yacht Club. Anticipated impacts could either be the increased protection of existing water-dependent activities or else the encouragement of water-dependent development.
2. In-place Facilities and Services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water dependent uses, consideration shall be given to assure adequate public sewers, public waterlines, power supply, access, and other such services which exist or can be provided before sites are appropriated for water-dependent usage.
3. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources -water dependent uses shall be located so that they enhance, or at least do not detract from, the surrounding environment. Consideration should be given to such factors as the protection of nearby residential and/or recreational areas from odors, noise, and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, boat launching area, or fishing pier would enhance, and in turn be enhanced by, nearby restaurants, motels, and other non-water oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on significant coastal resources.
4. Preference to Underutilized Sites - the promotion of water dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote a site. Such a stimulus is needed in those portions of the waterfront area which are currently underutilized.

In promoting water dependent uses the following kinds of actions will be considered:

1. Favored treatment will be given to water dependent use areas with respect to capital programming.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements will be given to water dependent uses.
3. Where possible, consideration will be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. The local Industrial Development Agency will work with the State to actively promote water dependent uses. A list of sites available for non-water dependent uses will be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to water dependent uses.<sup>6</sup> Priority to waterfront uses and the assurance of adequate space for the development of such water dependent uses shall be incorporated where consistent with LWRP planning objectives.

(See Policies 1, 1A, 4, 19, 21, 22)

**POLICY 3            THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE CITY OF NEWBURGH**

**POLICY 4            STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.**

**POLICY 4A          REDEVELOP THE HARBOR FOR PROMOTION OF WATER-DEPENDENT AND WATER ENHANCED USES.**

Explanation of Policy

The City of Newburgh does not have a harbor with a unique maritime identity or strong economic function. Even though there is not a significant harbor area in Newburgh, efforts toward promoting recreational fishing, cultural activities, marinas, water related

recreational facilities, historic preservation, natural resource preservation, the preservation of vistas and views, and other activities which will make the waterfront area appealing as a tourist location and for residential, commercial, and recreational usage will be pursued. Special consideration will be given to visual appeal and social benefits.

The following guidelines will be used by the City to determine consistency:

1. Priority will be given to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. Uses will be promoted that will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. Uses will be promoted that will not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. Uses will not be allowed that cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. Uses that will adversely affect the existing economic base of the community will not be promoted. Uses which continue to promote economic revitalization within the area shall be given priority, especially developments or uses which increase the number of visitors, patrons, employees, or residents in the area. Such uses will increase economic activity, improve the tax base, and support the area's revival.
6. Uses will not be promoted that will detract from views of the water particularly where the visual quality of the area is an important component of its appeal and identity.

(See Policies 1, 2, 9, 19, 19A, 21, 22, 23, 25)

**POLICY 5                    ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.**

## Explanation of Policy

Intensive development (residential, commercial, and industrial) will not be allowed in areas where water and sewer facilities are not adequate. Development, particularly large scale development, within the LWRP area will be encouraged to locate within or in close proximity to areas where infrastructure and public services are adequate or can be expanded or upgraded. Water and sewer improvements will be made where necessary and where economically feasible to support new development. Facility expansions will be provided as necessary to support redevelopment and revitalization activities.

Existing water and sewer service facilities will be continuously monitored to ensure proper functioning. All system components will be maintained to avoid unnecessary environmental problems such as seepage, the discharge of untreated effluent, leakage, and standing water.

The following points will be considered when assessing the adequacy of the area's infrastructure and public service for proposed developments:

1. The streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
2. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
3. The existing sewage disposal system can accommodate the wastes generated by the development;
4. The energy needs of the proposed land development can be accommodated by existing utility systems;
5. All stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities without negatively impacting other properties; and
6. The existing schools, police and fire protection, and health and social service are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

The allocation of funds for water and sewer improvements and other public services will give priority to activities and areas which promote waterfront revitalization in the LWRP area.

(See policies 11, 14, 18, 19A, 21, 30, 33)

**POLICY 6                    EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE  
THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE  
LOCATIONS.**

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of a regulation's objectives is not jeopardized. Permit procedures and regulatory programs will be coordinated within each agency and efforts will be made to ensure that each individual agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures if such a regulation reduces the burden on a particular type of development and does not jeopardize the integrity of the regulations' objectives.

**FISH AND WILDLIFE POLICIES**

**POLICY 7                    THE STATE COASTAL POLICY REGARDING SIGNIFICANT  
COASTAL FISH AND WILDLIFE HABITATS IS NOT  
APPLICABLE TO THE CITY OF NEWBURGH**

**POLICY 7A                 ACTIVITIES THAT WOULD ADVERSELY AFFECT FISH  
RESIDENT IN OR MIGRATING THROUGH WATERS  
ADJACENT TO NEWBURGH WILL BE AVOIDED.**

Explanation of Policy

Although fish and wildlife habitats of significant Statewide importance have not been identified in Newburgh, a variety of fish species which reside in or migrate through the Hudson River estuary at Newburgh should be protected. If fish are not protected, recreational fishing will not be available to local residents.

Since residents of Newburgh fish from the water's edge, an attempt to preserve the existing fish and wildlife and encourage reproduction is important. The water quality levels in Newburgh shall be maintained and improved where possible. Dumping into the Hudson River will be prohibited. Adequate sewage and storm water facilities will be maintained. Because the disposal of untreated waste into the Hudson River is prohibited,

marinas, all land and water uses, and water craft must dispose of waste properly. Adequate solid waste receptacles should be provided near Newburgh Landing and waterfront park, the Newburgh Yacht Club, Washington Street Boat Launch, and any proposed new recreational developments. In addition a pump out station for small water craft should be considered for each new marina or boat docking facility. The City is also exploring the possibility of establishing a pump out station at the wastewater treatment plant site. Construction of a City pump out station would depend on whether any proposed marinas incorporate this type of facility into the overall project design, and whether they will be open for public use.

All new developments will be carefully monitored to assure the protection of fish and wildlife. Actions which destruct or significantly impair water quality or potential habitats will not be permitted. New development, especially in the waterfront area and along the Quassaick Creek corridor, may not be undertaken if it could potentially destroy or significantly impair biological conditions unless such conditions are found to be harmless to fish and wildlife. An action will be considered to significantly impair a habitat or wildlife area if it will reduce a vital resource or change environmental conditions. Measures will be taken to mitigate negative conditions which could occur as a result of new development, revitalization activities, or any other action.

Activities that are likely to affect fish and wildlife should be avoided wherever possible. Such activities would include but are not limited to the following:

1. Filling Shallow Areas of Streams and the Estuary: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
2. Grading Land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
3. Clear Cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
4. Dredging or Excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
5. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.
6. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban

runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

7. Creating or maintaining man-made barriers to anadromous fish passage.

The above mentioned activities in coastal areas are to be avoided if at all possible because they may alter the necessary combination of elements or characteristics required by certain biological habitats for survival.

If a proposed action is likely to alter any biological, physical, or chemical characteristics beyond a tolerance level acceptable to fish and wildlife, their viability will be significantly impaired or destroyed. Such an action would be inconsistent with state and local policies and would not be permitted.

(See Policies 2, 5, 8, 8A, 9, 12, 17, 19, 20, 25, 28, 30, 33, 34, 35, 36, 37, 39, 40, 44)

**POLICY 8                    PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.**

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes as defined by DEC can be found in 6 NYCRR Part 371.

**POLICY 8A                    NEW DEVELOPMENTS OR EXPANSION OF EXISTING FACILITIES WILL NOT BE PERMITTED IF SUCH FACILITIES INTRODUCE HAZARDOUS WASTES OR OTHER POLLUTANTS INTO THE ENVIRONMENT OR IF THEY ARE UNABLE TO ACQUIRE THE NECESSARY STATE, FEDERAL, AND LOCAL PERMITS.**

## Explanation of Policy

Any person that discharges, causes or permits the discharge of waste within Newburgh is required to provide protection from accidental discharge of prohibited materials. Protection mechanisms must be provided and maintained at the owner and/or user's expense. Detailed plans showing facilities and operating procedures which will provide protection must be submitted for review, and must be deemed acceptable to the city before construction of the facility is started.

In case of accidental discharges of unacceptable waste, the city must be notified immediately to enable countermeasures to be taken by the city to minimize damage to the municipal sewage system, treatment facility, treatment processes and receiving waters. The owner of the property in question is liable for any expense, loss or damage to the sewer system, treatment plant or treatment process, and/or the purification of receiving waters.

Whenever a discharge of unacceptable waste is made in violation of this policy or applicable city ordinances which causes a condition of contamination, pollution or nuisance, the city may petition the state supreme court for issuance of a temporary or permanent injunction as is appropriate to restrain or prohibit the continuance of unlawful discharge. The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste list (NYCRR Part 366) are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Future development or activities on vacant and underutilized land that may negatively impact fish and wildlife will be restricted. The siting of facilities within the LWRP area that could introduce hazardous wastes or other pollutants into the environment will be avoided.

(See Policies 5, 7, 30, 33, 34, 35, 36, 37, 39, 40)

### **POLICY 9**

**EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

**POLICY 9A**

**INCORPORATION OF A PEDESTRIAN WALKWAY ALONG THE WATERFRONT IN NEW DEVELOPMENT SHALL BE ENCOURAGED WHEREVER POSSIBLE TO PROVIDE PUBLIC ACCESS FOR FISHING AND WILDLIFE OBSERVATION.**

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting and non-consumptive uses such as wildlife photography, bird watching, and nature study. Any efforts to increase recreational use of these resources must be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Such increases in other words must not negatively affect existing resources or activities.

In order to expand and improve recreational fishing facilities all efforts will be undertaken to encourage marina development and provision of boat slips, improve the local boat launching facilities for recreational purposes, and provide additional locations for waterfront access and recreational fishing where feasible and as land becomes available.

Although there are no state-designated Significant Coastal Fish and Wildlife Habitats in Newburgh, efforts to supplement existing fish and wildlife stocks in the LWRP area for continued public enjoyment and pursue the enforcement of a fish and wildlife resource management program will be supported. In particular, the City of Newburgh supports restoration efforts along Quassaick Creek.

The following guidelines shall be considered to determine whether or not a proposed action is consistent with this policy as State, Federal and local agencies determine the consistency of any of their proposed actions including possible restoration of fish passage for anadromous and potomodromous fish and conservation of habitats along the creek shoreline which are known to support bald eagle, cooper's hawk, black-crowned night heron and other species of birds, reptiles, amphibians and mammals.

1. Consideration shall be made as to whether an action will harm or impede existing or future utilization of the surrounding recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to overutilization of that resource or cause impairment of habitats. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using a habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting with local officials on potential habitat areas and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be done in accord with existing State Law.

(See Policies 1, 2, 19, 19A, 20, 21, 22)

**POLICY 10            FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

Explanation of Policy

There are no commercial fishing activities within the City of Newburgh, but the City will, from time to time, review the need to promote such activities.

Commercially important species which utilize the Hudson and Quassaick Creek include the alewife, blueback herring, American shad, striped bass, Atlantic sturgeon, tomcod, American eel, carp and white catfish. Opportunities to restore historic fish spawning habitat on the Quassaick Creek will be encouraged.

FLOODING AND EROSION POLICIES

**POLICY 11            BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.**

**POLICY 11A         ALL DEVELOPMENT ON PROPERTY WHICH INCLUDES FLOOD HAZARD AREAS WILL BE LOCATED AT AN ELEVATION ABOVE THE 100-YEAR-FLOOD PLAIN.**

**POLICY 11B MAJOR GRADING AND CLEARING ACTIVITIES WILL BE DISCOURAGED ON THE WASHINGTON HEIGHTS BLUFF TO AVOID SOIL EROSION IMPACTS TO QUASSAICK CREEK AND THE HUDSON RIVER.**

Explanation of Policy

The City of Newburgh participates in the National Flood Insurance Program in conjunction with the Federal Emergency Management Agency.

Residential, industrial and commercial development within flood hazard areas is regulated by the Floodplain Management Ordinance of the City of Newburgh. Certain water dependent uses as well as piers, docks and other structures necessary to gain access to the water are permitted; but construction to minimize damage from flooding and erosion is required. Existing, non-conforming structures located in flood hazard areas may be only minimally enlarged.

There are no erosion hazard areas within the LWRP area. Flood hazard areas can be found along both the Hudson River and Quassaick Creek and extending inland along Quassaick Creek to Muchattoes Lake. New development in these areas must be located at an elevation above the 100-year flood plain. New zoning districts are being introduced that include standards from the Flood Plain Management Ordinance. Where human lives may be endangered, all necessary emergency preparedness measures will be taken as prescribed the disaster preparedness plan. No floodways have been identified by FEMA within the City of Newburgh. (See Policies 12, 14, 17)

The LWRP recognizes the uniqueness of the Washington Heights bluff which should be protected through implementation of appropriate erosion control measures. This area should be protected from encroachment, since any soil erosion would ultimately discharge to Quassaick Creek and the Hudson River. Minor activities would be allowed, provided best management practices are utilized, including grading or clearing activities to link any potential passive trail system with the Washington Height's area. Existing disturbed areas for this type of connection would be used to the greatest extent practicable.

**POLICY 12 THE STATE COASTAL POLICY REGARDING PROTECTING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE CITY OF NEWBURGH.**

**POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS**

**DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.**

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Erosion protection features are necessary in the City of Newburgh at this time. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the shoreline's fragile nature and protective values may lead to the weakening or destruction of the City's existing landforms and will be prohibited. Activities or development on, or in proximity to, natural protective features must ensure that any such adverse efforts will be minimized.

The existing shoreline in Newburgh, shall be protected since such topographical features give the City its valued visual character. Excavation, grading and major landform changes will not be permitted. Bulkheading improvements shall be made as necessary, including maintenance, extensive repairs, and expansions to provide adequate protection for waterfront properties. Erosion control practices including rip-rap stabilization, will continue to be implemented to preserve the existing land area immediately adjacent to the river, and protect the river walkway and buildings along the river's edge.

(See Policies 12, 16)

**POLICY 14            ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus

increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the basic flood level is increased causing damage in otherwise hazard-free areas.

All development proposed within the LWRP area must receive site plan approval. Site plan review will monitor developments to ensure that actions will not be taken which may result in the damage to or loss of property and endangerment of human lives.

All new developments will be required to install the proper drainage facilities in order to eliminate the possibility of excessive runoff that may cause or increase erosion.

Any new developments located directly along the waterfront must include necessary erosion protection features. Existing bulkheading must be maintained, repaired and expanded as necessary to protect investments.

(See Policies 1, 2, 11, 12, 16)

**POLICY 15            MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. All dredging activities proposed under this program will be done in a manner that is consistent with the Army Corps of Engineers' requirements and which does not increase shoreline erosion.

(See Policy 35)

**POLICY 16            PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR**

**EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investments in development and for new developments which require a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities on the rate of erosion and on natural protective features. It requires careful analysis of benefits and long-term cost prior to expending public funds.

**POLICY 17           WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SET BACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

Although existing flood problems in the City of Newburgh are largely due to storm water runoff and not offshore flooding, this policy shall be followed as necessary. It recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail.

Non-structural measures shall include, but not be limited to:

Within identified flood hazard areas, (a) whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To find out whether or not an action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the

character and purpose of the activity or development, and eliminate or reduce hazards. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will offer appropriate protection, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

All structures located within the waterfront area shall be sited outside of the 100-year flood zone unless no practical alternatives exist, such as piers, docks and/or floating structures. (See Policies 1, 2, 11, 12, 14, 16)

### **GENERAL POLICY**

**POLICY 18            TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.**

#### **Explanation of Policy**

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

Any major action that may take place within the City of Newburgh's LWRP area will be carefully monitored to ensure the protection of valuable resources. Consistency with applicable program policies, site plan and development requirements, flood protection requirements and all other pertinent local ordinances will be enforced.

**POLICY 18A            MAINTAIN AND IMPROVE EXISTING LOW AND MODERATE INCOME HOUSING.**

#### **Explanation of Policy**

The Hudson Valley is experiencing development pressures that cause housing costs to escalate, making affordable housing difficult to find. The City of Newburgh has affordable housing that should be preserved. Impacts on affordable housing will be

considered and mitigative measures pursued when new development proposals are evaluated and approved.

## PUBLIC ACCESS POLICIES

**POLICY 19            PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

### Explanation of Policy

This policy calls for a balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Priority will be given to improving physical access to existing and potential recreation sites, such as the Newburgh Landing area and if economically and physically feasible to new development areas.

Efforts to increase the ability of residents to get to recreation areas by making transportation improvements will be made. Water related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access. This shall not preclude the relocation of existing public facilities to other waterfront sites if required as part of a comprehensive redevelopment process.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

- a. The level of access to be provided should be in accord with estimated public use.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility.
3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Reductions in existing levels of public access will not be permitted. Reductions of existing levels may include, but would not be limited to the following:

- (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
- (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increase will significantly reduce usage by individuals or families with incomes below the State government established poverty level.

The possibility of increasing public access to the waterfront in the future will not be eliminated. The following activities will not be permitted unless the actions are found necessary or to be of greater benefit to the common good.

- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
- (2) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

**POLICY 19A            IMPROVE PEDESTRIAN, VEHICULAR AND BOATER PUBLIC ACCESS TO NEWBURGH LANDING AND WATERFRONT PARK AND ANY NEW DEVELOPMENTS ALONG THE HUDSON RIVER. MINIMIZE THE BARRIER CREATED BY THE RAILROAD EMBANKMENT THROUGH LANDSCAPING AND RELATED AMENITIES.**

Explanation of Policy

Improved public access to the river in the vicinity of Lower Broadway and in conjunction with all new waterfront developments will be encouraged where feasible. Public transportation should incorporate waterfront stops on its bus routes.

A public boat launch facility to serve all City residents is located at the foot of Washington Street. Consideration must be given to both pedestrian access and vehicular access. At the boat launch, adequate parking for boat trailers is provided. Because the City wishes to limit the amount of waterfront property dedicated to parking, provision of a shuttle service from upland parking lots may be desirable in the future.

Temporary docking facilities are available at Newburgh Landing. Commercial projects on former urban renewal properties on both sides of the Landing include the provision of boat slips and development of a marina. To create a link between the waterfront and the upland residential and business districts, safe and well-lit walkways will be provided under the railroad tracks. Proposed waterfront developments may require reopening of previously blocked railroad underpasses to provide additional pedestrian access to the river. A pedestrian reopening has occurred at the underpass for Second Street. Pedestrian crossing signals should be installed along Water Street as waterfront development occurs. The City has received funding to construct a public walkway which will be built on a 20-foot City right-of-way winding along the river through adjacent to two private development projects on either side of Newburgh Landing as well as through the park. The walkway extends generally from South Street to Second Street. In addition, existing street rights-of-way that are perpendicular to, and located between Front Street and the river will be developed for public parking and pedestrian access. The shoreline is being stabilized adjacent to the walkway. To improve access from the water to waterfront parks by boaters, deteriorated barges need to be removed.

The City proposes the development of a walkway that would ultimately extend along the entire length of the Hudson River waterfront including extension of the walkway along City property. The walkway will be available for public use.

(See Policies 1A, 1B, 2, 9, 9A, 20, 21, 22)

**POLICY 20**            **ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

**POLICY 20A**        **WHERE REDEVELOPMENT OF CITY-OWNED WATERFRONT PROPERTY IS UNDERTAKEN, PUBLIC WATERFRONT WALKWAYS AND OPEN SPACES WILL BE INCORPORATED INTO THE NEW DEVELOPMENT; AND PROVISION WILL BE MADE TO LINK SUCH PUBLIC AREAS IN A NETWORK OF PUBLIC WALKWAYS AND OPEN SPACES WITHIN THE COASTAL AREA.**

#### Explanation of Policy

Access to public-owned land within the LWRP area should be provided for activities which require a minimal amount of facilities for their enjoyment. Examples of activities requiring access would include walking along the waterfront, the enjoyment of scenic resources, bicycling, birdwatching, photography, nature study, and fishing.

For these activities, there are several methods of providing access. These include: the development of a waterfront trails system; the provision of access across transportation facilities to the waterfront; the improvement of access to the waterfront; and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent on shore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, and/or the protection of fragile coastal resources.

The following guidelines as well as those described in Policy 19 will be used in determining the consistency of a proposed action with this policy:

1. Existing access from public lands or facilities to existing public waterfront lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, or the protection of identified fragile coastal resources or where, (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

When waterfront land becomes available for possible public use, the City will work with property owners to achieve public access to the water through acquisition, easements, lease or other mutually acceptable solution.

(See Policies 2, 9, 19, 21, 22)

## **RECREATION POLICIES**

**POLICY 21            WATER-DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

### **Explanation of Policy**

Water-related recreation includes such obviously water-dependent activities as boating, fishing and wildlife viewing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and

bicycle trails, picnic areas, and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water dependent recreation uses shall have a higher priority over water enhanced recreation uses.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities may be essential to meet demand generated. Boating facilities will, as appropriate include parking, park-like surroundings, toilet facilities, and pumpout facilities.

**POLICY 21A            ENCOURAGE ADDITIONAL AND IMPROVE EXISTING  
WATERFRONT ACCESS ALONG THE HUDSON RIVER AND  
THE QUASSAICK CREEK TO HELP INCREASE PUBLIC  
ENJOYMENT OF THE WATERFRONT AND THE  
RECREATIONAL USAGE OF FISH AND WILDLIFE HABITATS.**

Explanation of Policy

Public recreation, both active and passive, will be promoted along the shore where possible, economically feasible, and consistent with City planning and economic development objectives. Multi-use developments which provide public access to the shore in combination with residential and commercial uses will be encouraged on the vacant and underutilized parcels between the wastewater treatment plant and Nicoll Street. Multi-use developments could include such uses as picnic areas, walkways and/or bikeways, and/or passive recreation areas for fishing or visual enjoyment of the water.

Where redevelopment of city-owned waterfront property is undertaken, public waterfront walkways and open space will be incorporated into the new development. As part of the commercial redevelopment of the parcels on both sides of Newburgh Landing, the City has received funding to construct a public walkway which will be built on a 20-foot City

right-of-way winding along the river through both proposed projects and Newburgh Landing.

Recreational uses along the Quassaick Creek should be of low intensity. A quiet corridor along the Creek will be developed where feasible to promote public enjoyment of the fish and wildlife habitats of the stream corridor and its forested glen and to provide hiking and greenway trail connections in the corridor and with other destinations in the City and its environs.

**POLICY 21B            DOCKING FACILITIES FOR TRANSIENT VESSELS INCLUDING LARGE PASSENGER VESSELS WILL BE PROVIDED WHEREVER POSSIBLE IN NEW DEVELOPMENT AND AT EXISTING PUBLIC LAUNCH AND DOCKING AREAS.**

Explanation of Policy

As water-borne travel and recreation increases, it is important that docking and mooring facilities be provided so that visitors can arrive via the Hudson River. On-shore facilities and services needed by boaters will be provided within new development. Economic revitalization plans shall incorporate tourism and promote the resources that attract tourists.

(See Policies 1, 2, 4, 9, 9A, 19, 20, 22)

**POLICY 22            DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an accessory use. Therefore, developments located at the shoreline should incorporate some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which may occur or which already exist along Newburgh's waterfront and which can generally provide water-related recreation as a multiple use include but are not limited to:

parks  
multi-family developments  
commercial developments  
specialized industries  
utility transmission rights of way  
sewage treatment facilities  
nature preserves  
historical properties redevelopment

Appropriate recreation uses that do not require any substantial additional construction shall be provided at the expense of a project sponsor provided the cost does not exceed two percent (2%) of total project cost.

Public safety will be considered in determining whether compelling reasons exist which would make recreation inadvisable as a multiple use.

Whenever a proposed development would be consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development will be encouraged to locate adjacent to the shore.

**POLICY 22A            DEVELOPMENT ALONG THE WATERFRONT IN THE WASHINGTON STREET, LOWER BROADWAY, NEWBURGH LANDING AND NEWBURGH YACHT CLUB AREAS SHALL BE ENCOURAGED TO PROVIDE PUBLIC ACCESS AS A MULTIPLE USE.**

Explanation of Policy

New developments and/or the rehabilitation or expansion of existing developments located along the waterfront, especially in the Washington Street, Lower Broadway, Newburgh Landing and Newburgh Yacht Club areas, will be encouraged to provide public access such as fishing access, walkways and bike paths to and along the shore. Technical and/or financial assistance will be provided to facilitate public access as a multiple use in these areas.

(See Policies 1, 19, 20)

**HISTORIC AND SCENIC RESOURCES POLICIES**

**POLICY 23            PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.**

**POLICY 23A**      **NO CHANGES IN ANY EXTERIOR ARCHITECTURAL FEATURE, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION, ALTERATION, RESTORATION, REMOVAL, DEMOLITION, OR PAINTING, SHALL BE MADE TO IDENTIFIED RESOURCES EXCEPT AS HEREINAFTER PROVIDED.**

Explanation of Policy

Within Newburgh these resources include the architectural design districts and historic districts designated on the zoning map; structures, sites and districts listed or eligible for listing on the National Register of Historic Places; and archaeologically sensitive areas and sites listed in the State inventory maintained by the Office of Parks, Recreation and Historic Preservation and the New York State Museum.

Much of the LWRP area is located within a local Historic Overlay District, generally bounded by Monument Street, Bay View Terrace, Colden, Edwards and Water Streets, Washington Street, Grand and High Streets, Montgomery Street, Water Street, Broad Street, Forsyth Place, LeRoy Place, Liberty Street and Gidney Avenue and subject to the City's Landmark Preservation Law. In addition to the local historic district, there are five structures and one district located on the National Register of Historic Places. These include 1) Washington's Headquarters, (Hasbrouck House; 2) the David Crawford House; 3) the Dutch Reformed Church 4) the U.S. Post Office, 4) the Newburgh Armory and 5) the East End Historic District. The Old Towne Cemetery and Palatine Church site are listed on the New York State Register of Historic Places.

Structures, districts, areas or sites of significance in the history, architecture, archeology or culture of the State, the City of Newburgh and the Nation are found in the Coastal Area. In order to provide for the promotion of the educational, cultural, economic and general welfare of the people of Newburgh, all practical means shall be taken to prevent significant adverse change to these structures and to retain them as significant historic and archeological resources.

A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

This policy shall not prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. The policy shall not prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource.

In order to further protect archaeologically sensitive areas and sites listed in the State inventory maintained by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and the New York State Museum, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law requires that, if a State action is involved, SHPO must be consulted when evaluating individual proposals that involve soil disturbance to determine if any resources will be adversely affected. In addition, if there is any Federal agency involvement, the Advisory Council on Historic Preservation's regulations "Protection of Historic and Cultural Properties" 36 CFR 800, require that agency to initiate consultation with the SHPO.

The City recognizes the potential for submerged historic, archaeological and cultural resources and artifacts that may be located in the Hudson River within the City's LWRP boundaries. Shipwrecks and other submerged artifacts also comprise a growing tourism economic resource, attracting divers and cultural tourists. The NYS Office of General Services (OGS) participates in an interagency Ad-Hoc Committee for Submerged Cultural Resources which is responsible for establishing shipwreck preserves, as well as preservation considerations for submerged cultural resources. The Committee is comprised of NYS OGS, the OPRHP, the New York State Museum, the NYSDEC, and the Department of State, Division of Coastal Resources. The City will coordinate with these groups during review of any plans that might potentially affect said resources.

Activities that protect and restore historic structures and districts while at the same time promote and enhance the entire LWRP area will be supported and encouraged by the City.

The City of Newburgh is pursuing the creation of a Hudson River Architectural Design District (ADD) for a portion of the waterfront area located outside the East End Historic District. Concern exists that new development proposed on urban renewal parcels, other vacant parcels, or existing structures reminiscent of the City's history could be designed architecturally in a manner that would be incompatible with surrounding historic properties. The Hudson River ADD will guide the architectural design of buildings as well as streetscapes within a portion of the LWRP area.

**POLICY 24            PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:(I) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (II) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.**

Although no upland area in the City has been designated a Scenic Area of Statewide Significance (SASS), the Hudson Highlands SASS extends from the southern boundary of the City to a point opposite the northern end of Dennings Point. The SASS is located on the east side of the Hudson River, south of the City of Beacon, and includes the Hudson River from the mean high tide line on the western shore, thereby including river waters within the City of Newburgh. It is included within the HH-27 Dutchess Junction Subunit. The scenic quality of this subunit is summarized in Appendix B.

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. It includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad.

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action would affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve

- (a) a review of the coastal area map to ascertain if it shows an identified scenic resources which could be affected by the proposed action, and
- (b) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment will include:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly and consider both the scenic resource and the City's development objectives and priorities. Guidelines include:

- Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- Removing deteriorated and/or degrading elements;
- Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except

when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;

Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

**POLICY 25            PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

Explanation of Policy

The panoramic view of the Hudson River and the surrounding mountains is the main feature of the scenic environment in Newburgh. Variations in color take place as the wooded mountains go through their annual cycle of change. More elements are added to the picture in the summer when yachts and small boats make their appearance on the river. The emergence of life, color, and movement on a grand scale creates a panorama that is unique to Newburgh. The picture is further enhanced by the structure of the viewing positions from which it is observed. These positions produce channeled and glimpsed views that create an interesting variety in the landscape as well as broad panoramas. From the Hudson River, the City steps back on a series of plateaus. The immediate waterfront is mainly vacant urban renewal land, with waterfront commercial and industrial operations and the deteriorated Newburgh Landing structures dominating. The abutment supporting the railroad tracks is dominant in some areas. Some old factory buildings remain. West of Water Street are the grassy slopes of Downing Vaux Park and other open spaces separating in Water Street from the densely settled central area. The new Key Bank building dominates the landscape at this level. The City skyline as a whole is varied and interspersed with large old trees. The existence of a large number of such onshore and offshore views has produced a high quality scenic environment that is conducive to the furtherance of the economic growth and development of the city. It is recognized however, that, insofar as it can lead to a deterioration of environmental quality, unchecked development can be self-defeating. It is therefore the purpose of the LWRP to establish policy mechanisms for the protection of the scenic environment.

Views and vistas in the City of Newburgh contribute to the overall scenic quality of the City and therefore must be protected. Every effort will be made to utilize these views in the development of an attractive and appealing environment. Any impairment of scenic resources which contribute to the overall scenic quality of the City, especially the

panoramic views southeast to the Hudson Highlands, will be prevented where at all feasible.

A principal consideration that guides such a policy is that not all existing views can be preserved, because they are created by the absence of structures along the waterfront, a situation created through demolition under the Urban Renewal Program. Therefore, the most treasured of the scenic views must be identified and emphasis placed on preserving these while recognizing that others of lesser importance may be lost or altered. The views from the following positions have accordingly been identified for protection and protected through the City's Scenic Resources Protection Law (see Appendix A).

1. Grand and Washington Streets
2. Washington's Headquarters
3. Broadway and Colden
4. Grand and Second Streets
5. The view from the Library
6. South and Water Streets
7. First and Montgomery Streets
8. Montgomery and Leroy Streets
9. Montgomery Street
10. Leroy Street and Park Place.

In addition, panoramic views of the Hudson Highlands from the Washington Height's bluff will likewise be preserved to the greatest extent practicable.

The City also will pursue demolition of the City Incinerator smokestack to improve the visual quality along the waterfront.

(See Policies 1, 4, 12, 18)

### **AGRICULTURAL LANDS POLICY**

**POLICY 26            THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE CITY OF POUGHKEEPSIE.**

### **ENERGY AND ICE MANAGEMENT POLICIES**

**POLICY 27            DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.**

### Explanation of Policy

Demand for energy in New York will increase, although at a slower rate than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Article VII of the State's Public Service Law requires additional forecasts and establish the basis for determining compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City of Newburgh, the Department of State will comment on the State Energy Office Policies and planning reports as might exist; present testimony for the record during relevant proceedings under Articles VII of the Public Service Law; and use the State SEQR and DOS regulations to ensure that decisions on proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

**POLICY 28            ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

### Explanation of Policy

Ice management practices are not performed by the City of Newburgh, however the City will help insure that actions which may adversely affect fish and wildlife habitats or increase shoreline erosion or flooding will be avoided. An assessment of ice management practices will be made prior to any actions in an attempt to measure the potential effects such actions will have upon fish and wildlife habitats, flood levels, erosion and other natural features. If such actions are found to be unacceptable, the City will aid appropriate agencies in any necessary mitigating action.

**POLICY 29**            **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE CITY OF NEWBURGH**

**WATER AND AIR RESOURCES POLICIES**

**POLICY 30**            **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

**Explanation of Policy**

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

The municipal sewage treatment plant located along the Hudson River at Renwick Street is monitored to avoid the accidental discharge of pollutants. New developments within the LWRP area will be reviewed to ensure the adequacy of the existing water and sewer system to support them and necessary improvements and expansions will be made in areas where such systems are inadequate. The City shall provide the necessary improvements such as system enlargement and pipe replacement if such improvements will encourage new development and/or eliminate potential pollutant discharge. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River and Quassaick Creek.

All state and national water quality standards will be followed and enforced as necessary in the City of Newburgh.

(See Policies 2, 5, 7, 8, 18, 21, 33, 34, 35, 36, 37, 38, 39, 40)

**POLICY 31**            **STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH**

**CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewed at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies will be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

The Hudson River is classified as "A" in the Newburgh area. The water quality classification for Quassaick Creek has been improved from a "D" classification to a "C" classification.

**POLICY 32            THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES IS NOT APPLICABLE TO THE CITY OF NEWBURGH**

**POLICY 33            BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or reducing pollution caused by the discharge of stormwater runoff and combined sewer overflows.

Priority will be given to water and sewer improvements within the LWRP area if such improvements are necessary to reduce excessive stormwater runoff, eliminate the leakage or seepage of sewage into the environment and to eliminate the drainage of untreated discharge into the Hudson River and Quassaick Creek. The expansion and improvement of existing water and sewer service facilities to accommodate new development and revitalization activities will be implemented as necessary. Because of the size and age of many of the lines, existing pipes may need to be replaced to achieve a larger capacity and more efficient system. It is the City's policy that any newly installed systems have separate storm and sanitary sewer lines.

During the process of site plan review, all new developments are required to assure the adequacy of existing systems and/or describe the actions that will be taken to ensure the control of stormwater runoff and sewage.

(See Policies 2, 5, 7, 8, 30)

**POLICY 34            DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Fish and wildlife habitats, waterfronts, and public water bodies need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). These standards will be followed by all agencies.

No person shall dump, drop, throw or place any vegetables, garbage, ashes, cinders, dross, rubbish, dirt, shells of oysters, clams or other fish or offal, or the carcass of any animal or filth, or sewage of any kind in the Hudson River, or any of the streams or ponds within the boundaries of the City. No person shall deposit any dead animal, manure, garbage, compost, vegetable or any putrescible matter in any spring, marsh, watercourse, or reservoir, nor on or in the ground within fifty feet thereof, nor anywhere in such a manner that it can be washed by rain, melting snow or otherwise over the surface of the ground into any spring, marsh, watercourse or reservoir (Section 4-5). No person shall deposit any human excreta on the ground within one hundred thirty feet of any spring, marsh, watercourse or reservoir, nor anywhere in such a manner that it could be washed into the same.

A pump out station for small water craft should be planned and constructed. Private developments will be encouraged to include pump out stations as part of any marina proposals. In the alternative, should private developments not be able to provide these facilities, the City should give consideration to constructing a pump out facility at the wastewater treatment plant site. Receptacles for garbage, rubbish and other solid and liquid materials will be required in waterfront recreation areas especially around the yacht club, Newburgh Landing, Washington Street boat launch and at any other new recreational sites. These receptacles must be large enough to adequately support peak usage. Section 4-6 of the local Code of Ordinances prohibits leaving, "any bait cans, dead bait, lunch box, garbage, refuse or paper" on or around the "City property of any waterway. Such waste shall be deposited in the receptacles provided by the City." This ordinance shall apply to all waterfront recreation areas. As part of the design plans for

the river walkway, decorative receptacles have been selected and will be installed to prevent littering. Garbage receptacles will be installed in any new "high activity" areas within the LWRP area.

( See Policies 2, 5, 7, 8, 18, 30, 33, 35, 36, 37, 38, 39, 40)

**POLICY 35            DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.**

Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 15, 26 and 44). If dredging activities become necessary in connection with this program, all applicable standards and policies will be followed.

The City of Newburgh abides by all necessary standards set by the New York State Department of Environmental Conservation and the Army Corps of Engineers.

(See Policies 7, 15, 24, 44)

**POLICY 36            ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

**POLICY 36A            STORAGE AREAS FOR PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE BERMED TO PREVENT ON-SITE SPILLS FROM ENTERING COASTAL WATERS. NO MORE THAN 150 GALLONS OF SUCH MATERIALS SHALL BE KEPT IN TEMPORARY STORAGE FACILITIES AT ANY ONE TIME.**

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness: or (2) pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or otherwise managed." A list of hazardous wastes as defined by DEC can be found in 6 NYCRR Part 371.

Clean-up of accidental discharges will be conducted according to State regulations and other applicable authoritative regulations. Restitution for damages would be the responsibility of the manufacturer or property owner. Local site plan review procedures will require all applicants developing nonresidential uses to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal. Disclosure during the Site Plan review process will alert the City to any potential difficulties and will assure that shipment disposal and storage of hazardous wastes will be conducted in a conscientious manner.

(See Policies 30, 33, 34, 37, 39, 40)

**POLICY 37            BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

Explanation of Policy

Important fish and wildlife habitats, beaches, and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Actions to minimize erosion and the use of alternative (organic) methods of fertilization and pest control will greatly minimize discharge. The use of fertilizers and pest control chemicals will be discouraged within the LWRP area.

Non-structural erosion control methods, such as the planting of vegetation, and if necessary structural erosion control will be utilized to prevent the excessive discharge of eroded soil into local waters however, non-structural methods will be given priority.

Erosion and non-point source protection plans will be required for proposed construction to achieve the following objectives:

1. Natural ground contours should be followed as closely as possible.
2. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
3. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems. Construction and post-construction runoff levels should be maintained at or below pre-construction levels at all times.
4. Natural protective vegetation should remain undisturbed, if at all possible, and restored when necessary.
5. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
6. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
7. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
8. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
9. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should be used only where vegetation and grading are not sufficient to control erosion.
10. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.

Site plan review procedures and approval, for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental permits where water quality is concerned.

(See Policies 30, 33, 34, 36, 39, 40)

**POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.**

Explanation of Policy

The City of Newburgh obtains its drinking water supply from reservoirs outside the City's limits within the Town of Newburgh.

As a general principal, surface and groundwater are primary sources of drinking water and therefore must be protected.

Site plan review procedures and approval, and all other building permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental permits where water quality is concerned.

(See Policies 30, 31, 33, 34, 36, 37, 39, 40)

**POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.**

Explanation of Policy

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Solid waste management facilities must meet the requirements contained in 6NYCRR Part 360 dated December 31, 1988.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or

physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported or otherwise managed." As list of hazardous wastes is provided in 6 NYCRR Part 371.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

Nonresidential applicants must identify hazardous wastes and other solid wastes of unusual origin. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. The information disclosed by the developer must assure consistency with the LWRP policies and adequate environmentally conservative handling of wastes.

**POLICY 39A            DUMPING OF SOLID AND HAZARDOUS WASTES IN THE  
COASTAL WATERS OF THE CITY OF NEWBURGH IS  
PROHIBITED.**

Explanation of Policy

Navigation and recreation activities in and around the coastal waters of the City of Newburgh are of economic importance and contribute to the quality of life of its residents.

Dumping of materials which create navigation hazards or pollute the water are detrimental to the quality of life, endanger the welfare of boaters, and adversely impact the operation of water dependent business industry.

(See Policies 30, 36, 40)

**POLICY 40            EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC  
GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL  
WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND  
WILDLIFE AND SHALL CONFORM TO STATE WATER  
QUALITY STANDARDS.**

Explanation of Policy

The State Board of Electric Generation Siting and the Environment considers a number of factors when reviewing a proposed site for facility construction. One of these factors is

that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by the siting board when evaluating an applicant's request to construct a new steam electric generating facility.

(See Policies 30, 36, 37, 38, 39)

**POLICY 41            LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

Explanation of Policy

The State Coastal Management Program and the LWRP incorporate State Laws on air quality developed by the Department of Environmental Conservation and the Clean Air Act into their programs. Requirements set out in the Clean Air Act are the minimum air quality control requirements applicable to the coastal area.

Site plan review procedures and approval and other permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal, State and County environmental approvals where air quality is concerned.

**POLICY 42            COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.**

Explanation of Policy

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal/waterfront regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

**POLICY 43            LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.**

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain into their program. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. Efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

Necessary State and Federal approvals concerning acid rain and the generation of nitrates and sulfates will be required where applicable. The disclosure of sulfate and nitrate generating activities will be required if applicable during Site Plan Review.

**POLICY 44            PRESERVE AND PROTECT TIDAL AND FRESHWATER  
WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM  
THESE AREAS.**

Explanation of Policy

At the mouth of the Quassaick Creek is a tidal wetland which is stressed from various regulated and unregulated pollutant discharges. Regardless, the Creek continues to be used for recreational and fishing opportunities. The City recommends the rehabilitation of the Creek, and supports activities to upgrade the water quality and ecological habitat in this vicinity. Ultimately, water quality improvements to Quassaick Creek, a tributary to the Hudson River, will help to improve water quality within the river itself. Activities conducted within tidal or freshwater wetlands will be subject to applicable state and federal permit reviews and approvals.

**SECTION IV**  
**PROPOSED LAND AND WATER USES**  
**AND**  
**PROPOSED PROJECTS**

## **A. PROPOSED LAND USES**

The proposed land uses contemplated within the City of Newburgh's LWRP boundary are illustrated on Map 9. They translate the policies in Section III into a cohesive land use plan for the City. The proposed land uses reflect and implement the policies contained in Section III, applying these policies to the existing land use pattern, natural and physical resources, and development constraints within the LWRP area, along with the City's development potential.

The City of Newburgh is located sixty miles north of New York City on the western side of the Hudson River in Orange County, New York. It is a small, densely-settled community of 3.9 square miles bounded by the Town of Newburgh on the west and north, the Hudson River on the east and the Town of New Windsor on the south. Like other smaller urban cities, Newburgh has experienced significant prosperity and decline since it was incorporated in 1865.

The City was settled historically by a group of German Palatines who migrated into the region in 1708-1709. Newburgh played a significant role in American history and was the location of George Washington's headquarters from 1782 to 1783, now a National Register of Historic Places site.

Newburgh evolved into a thriving port community on the Hudson River. Initially, it was a place for sailing vessels bound for New York to wait while held up by tide and wind shifts through the West Point-Peekskill section of the Hudson River. With water depths in excess of 20 feet at its shoreline, wharf facilities soon were established in the City. In 1743, ferry service began operation, linking Newburgh with Beacon, the first such crossing of the Hudson River north of Peekskill. Rail service was extended on both shores of the Hudson River, and the rail connection between Newburgh and New England nurtured a thriving freight industry.

Newburgh was incorporated as a town in 1800, and a city in 1865. The City prospered and reached the pinnacle of its population growth in 1950, with 31,956 persons. From the 1950s forward, the population growth flattened and precipitously declined between 1960 and 1980. Along with its population loss, the City also declined as a manufacturing and transportation center. This decline was due to two major regional shifts in transportation mode preference: the opening of the New York State Thruway in 1954, and the Newburgh-Beacon Bridge in 1963. These changes culminated in the decline and end of approximately 220 years of ferry service. As the region's dependence upon riverboat, railroad, and ferry transportation waned, the economic dominance of the City of Newburgh, and in particular its waterfront, business and industrial base, faded.

The loss of manufacturing jobs created secondary impacts, including a precipitous decline in retail and service establishments and a large-scale increase in the number of vacant commercial structures, particularly in the City's central business district along Broadway. In

the late 1960s and into the 70s, the City initiated an urban renewal program that resulted in the City acquisition of prime land along the City's riverfront. This program also gave rise to the historic preservation movement in the City, which ultimately resulted in the creation of the East End Historic District, the largest in New York State.

Unlike other urban areas which continue to lose population, Newburgh's population, based on 1990 U.S. Census estimates, experienced its first gain in 40 years. The City's cultural complexion has changed, and Newburgh provides opportunities for housing and employment to an ethnically diverse population.

Numerous developers continue to demonstrate interest in the City of Newburgh, and several have initiated and completed important development projects, several which are within the LWRP area. The City can point to a number of projects which have resulted in tangible, positive contributions to Newburgh's redevelopment. These projects have capitalized on the City's assets, including: available land; links to the regional transportation system, including Interstate I-84 and the New York State Thruway (I-87), Hudson River access, proximity to Stewart International Airport; scenic beauty; a rich cultural and architectural history; Foreign Trade Zone, state Economic Development Zone, and federal Enterprise Zone designations for portions of the City; and, economic and social organizations willing to invest time and capital to stimulate redevelopment.

The Regional Plan Association (RPA) recently published A Region at Risk, The Third Regional Plan for the New York-New Jersey-Connecticut Metropolitan Area, a plan for guiding growth, redevelopment and infrastructure investments in the NYC metro area. This metropolitan region encompasses the City of Newburgh. The RPA plan, in commenting on the role of urban centers in the region, states the following:

“Because so much contemporary activity – work, shopping, recreation, and living – no longer must take place in centers, successful centers will have to further emphasize the positive characteristics that continue to distinguish them from suburban and exurban locations. Extraordinary cultural resources have long been among the greatest strengths of centers in this region.”

Newburgh's role in the Hudson Valley region has changed. Like most older urban centers, it is no longer the regional retail or industrial center. Rather, the City is stabilizing its existing industrial and commercial base to support a jobs/housing balance for its own residents and adjoining communities. Newburgh continues to play an important role in the overall County economy as a multimodal transportation hub and a specialized business, medical and industrial activity location.

Newburgh, like other urban communities, is a cultural center for Orange County and the Hudson Valley region. It plays a significant role in American and architectural history, maintains an existing base of historic buildings, is the location for educational institutions of higher learning, and maintains a riverfront location which together create a unique

combination upon which to develop a strong base for tourism. Newburgh is developing into an interesting, vibrant, ethnically diverse mixed use residential community that offers a range of housing types for diverse households.

The City's land use pattern builds upon the existing land use pattern, existing and potential transportation access, the availability of utilities, and the presence of environmental constraints.

The Land Use Plan is not intended to describe the intended land use pattern on a parcel by parcel basis. Rather, the Land Use Plan is a broad expression of the range of uses intended for the LWRP area. Ultimately, the Proposed Land Use Plan constitutes the regulatory framework upon which the City's zoning regulations are drafted and adopted.

The Land Use Plan is based on the overall goal of accommodating future new development and allowing the conversion of uses that will provide a desirable and balanced land use pattern that meets the long-term needs of City residents and promotes economic stability.

#### **1. Open Space/Recreational**

The most notable open space and recreational uses within the LWRP area are Newburgh Landing and waterfront park, the Ward Brothers Memorial Rowing Park, and the park at the foothill of Broadway. Future open space and recreational uses include a park to the north of Washington Street incorporating the Newburgh Boat Launch, a small neighborhood park at the corner of Grand and South Streets, and a linear passive recreational trail along Quassaick Creek. In addition, Map 9 also illustrates the intended route of the City's river walkway which traverses a number of parcels, vacant and developed, within the LWRP area.

#### **2. Residential**

The residential areas of the City are intended to accommodate primarily single family detached residential uses. The largest area set aside for single family detached residential uses is located north of Catherine Street. South of Broadway single family residential uses have persisted in the Heights area. Commercial and industrial uses have not intruded into the residential areas.

Existing nonconforming mixed uses that combine retail and service commercial uses are limited in number, but are scattered throughout the residential areas. To the extent that these uses are not considered a "nuisance" and they serve neighborhood needs, e.g., a street corner deli, laundromat, etc., they are considered acceptable uses provided appropriate controls limit their operational impacts on the residential character of the neighborhood.

The single family detached character of the residential area should be protected, and conversion of residential uses to higher densities, e.g., two or multifamily structures, should not be permitted unless otherwise permitted by the zoning.

Single family residential detached uses are located on lots that range anywhere between 5,000 square feet to 20,000 square feet in size. Minimum lot sizes for future single family detached residential uses should be consistent generally with the existing parcel sizes in the neighborhood, however, lots should not be smaller than 7,500 square feet. This allows adequate lot area to accommodate sufficient off-street parking for the residential use. Residential in-fill should be sensitive to the architectural and historic character of neighborhoods, especially within the East End historic district. Yard sizes, building size and housing design should enhance and not detract from the architectural integrity of residential neighborhoods, particularly in that portion of the residential area located east of Liberty Street and north of South Street.

There are several higher density residential areas within the LWRP area. These higher density residential areas consist of a concentration of multifamily uses in older structures, multifamily units, garden apartment complexes, and senior housing buildings. Currently, two multifamily housing complexes are located in the immediate waterfront area: Ferry Crossing and Pier-Loun Point. It is anticipated that the current use of these properties will continue. The Land Use Plan does not encourage any additional high density residential uses in the LWRP area.

### **3. Residential/Civic/Office**

Within the LWRP area, this land use includes the area generally bound by Liberty Street to west, Catherine Street to the north, Washington Street to the south, and Colden Street to the east. Governmental and administrative services serving the City as well as many administrative offices serving eastern Orange County are concentrated in this location mixed among residential uses. City Hall, the police and fire departments, the City Courthouse, a U.S. Post Office, the City Library, the former YMCA building, and other facilities are found here. In addition, various social service agencies are located in the Civic Center, many of them housed in historic formerly residential buildings.

The Land Use Plan recommends a continuation of community facilities and services and general professional offices and residential uses. Representative uses anticipated in this land use area include health services, legal services, educational and social services, benevolent membership organizations, financial, insurance and real estate services, professional offices and public administration.

The adaptive reuse of historic residential buildings for these types of uses is encouraged as a means of preserving the structure.

**4. Residential/Commercial**

Several residential/commercial mixed use areas are located within the LWRP. The primary mixed use area is found to the east of Liberty Street, between Carson and Broadway, including properties fronting on the north side of Broadway. Land use in this section of Newburgh consists of ground floor retail, office and service commercial uses with residential uses located on the upper stories of existing buildings. The Land Use Plan encourages the continued conversion of vacant ground floor space to a mix of retail, office and service commercial uses. To encourage visitor activity to this area, restaurants, boutiques, artisan shops, antique shops and art galleries should be encouraged. Retail, personal and business services, and office uses are also allowed.

Residential uses are discouraged on the ground floor of mixed use buildings. In addition, the overall residential density of buildings permits one apartment per upper floor of a structure, particularly for smaller buildings typically located on a 25 x100 foot property.

A residential/commercial area is proposed on Liberty Street just north of South Street. Retail and service commercial uses are found generally on the ground floor of a building, and residential uses are contained in the upper stories of the buildings. This pattern of land use is encouraged.

The Regal Bag Company Building is intended to be converted into a mixed use building with commercial uses, e.g., retail and offices, on lower levels, and residential uses on the upper floors of the structure.

**5. Institutional/Cultural**

Several major institutional and cultural uses are found within the LWRP area. These include Mt. St. Mary's College, the Newburgh City Library, George Washington's Headquarters, and a middle school along William Street. The City also desires to utilize a vacant, former scrap metal junk yard for the development of a Hudson River Interpretive Center.

**6. Waterfront Commercial**

The Waterfront Commercial land use area includes property east of Colden Street and Water Street, north of the proposed Hudson River Interpretive Center, and extending to the Hudson River. This area is intended to be developed for a

combination of water-dependent and water-enhanced uses including retail, eating and drinking places, and waterfront-related recreational uses.

Remaining vacant urban renewal parcels to the west of Water Street are intended to be developed for office, hotel, convention facilities, and similar uses. Visitor-related uses including museums, art and antique galleries, and aquariums are also recommended. A portion of the former scrap metal junk yard is intended to be reused for water-enhanced commercial and retail uses in the vicinity and south of Washington Street.

The construction of water-dependent marine and recreational uses is integral to the development of the waterfront commercial land use area. Water-dependent marine and recreational uses include but are not limited to yacht clubs, marinas, piers, boat docks, boat yards for repair, storage, and sale of marine vessels, and similar facilities, as well as a riverfront walkway paralleling the Hudson River.

**7. Office/Hotel/Commercial**

The vacant urban renewal land that is located between Colden Street and Water Street, and north of Washington Street, is intended to be developed for office, hotel and conference center uses. It is also anticipated that the ground floor of any proposed non-residential buildings could include some retail and commercial uses. Development is intended to be developed in a series of buildings that would architecturally fit into the character of the historic row buildings along lower Broadway. The building's massing would be broken up to permit scenic vistas of the Hudson River to be preserved.

**8. Waterfront Dependent Industrial**

The Waterfront Dependent Industrial land use area is found between Water Street and the Hudson River south of South William Street. The uses proposed for this area are consistent with the policies contained herein and include water-dependent industrial and distribution uses. This land use area has excellent multimodal access to the river and an active freight rail line. Uses which do not make use of this unique transportation arrangement should be discouraged.

**9. Industrial/Heavy Commercial**

The Industrial/Heavy Commercial land use area is found in one location generally bound by Walsh Road and Mill and Bridge Streets. Uses envisioned for this location include the manufacturing of electronic equipment, textiles, finishing of wood products, printing and publishing, plastic products, fabricated metal products, distribution facilities, wholesale and warehouse establishments, building material sales and storage yards, contractor equipment storage, truck

terminals and similar uses. This area encompasses existing industrial and heavy commercial uses in the City.

**B. PROPOSED WATER USES**

There are several proposed water-dependent uses. These include construction of a boathouse at the Ward Brothers Memorial Rowing Park, a marina in conjunction with the Front Street on Hudson project, and boat slips associated with the Joscos restaurant use. These proposed uses will complement other water uses within the LWRP area, including the Gull Harbor Marina, the Washington Street Boat Launch, Newburgh Yacht Club, and the boat slips associated with the Pier Loun residential development. Proposed water uses are shown on Map 9.

**C. PROPOSED PROJECTS**

The following describes a set of site-specific and programmatic projects which will be or are being implemented to improve the City's LWRP area.

**1. Incinerator**

The City currently owns property on which stands a former incinerator. To improve the visual environment along the waterfront, the City will investigate the feasibility of removing the existing smokestack associated with the incinerator. In addition, the LWRP anticipates the continuation of the Hudson River walkway through this property. The use and design of the walkway are described in 17. below.

**2. Steel Style (Port of Newburgh)**

This is a former privately-owned industrial property which is vacant and underutilized. The property sits below the Washington Heights neighborhood. Views of the property are largely unobstructed along Bay View Terrace. The City desires to have this property redeveloped for a water-dependent, nonresidential use that would not environmentally impact the Washington Heights neighborhood. Because of the former industrial nature of the project site, it is possible that some level of contamination may exist on-site. The City would encourage Brownfields redevelopment. Its large size, existing piers, and adjacency to the river make it a potential candidate for redevelopment. The Hudson River walkway would continue along this property.

**3. Potential Pump Out Station - Newburgh Municipal Wastewater Treatment Plant**

The City is exploring the option of constructing a pump out station at the wastewater treatment plant site. The feasibility of this project will depend on the amount of reconstruction the bulkhead will require; the cost to man the pump-out station, security considerations, and potential development of a pump out station at other marina locations. In addition, the feasibility of extending the river walkway through this property will be examined.

**4. Ward Brothers Memorial Rowing Park**

The City Council dedicated a parcel of land as a public park designated as the "Ward Brothers" Memorial Rowing Park" for the purpose of establishing an area on the waterfront where non-mechanically powered watercraft could be launched. The Newburgh Rowing Club utilizes this facility to gain public access to the Hudson River.

The City will pursue opportunities to continue to improve this park for public access, including linking it to the Hudson River walkway.

**5. Hudson River Interpretive and Research Center**

The Palisades Interstate Park Commission has proposed the construction of an interpretive center. A plan was prepared in October 1996 for the project on a former scrapyard located north of the City's wastewater treatment plant. The major theme of the center would be estuarine stewardship, research and education. Components of the center include an aquarium, a research unit, the Hudson River Research Library, an auditorium, a gallery building, gift shop and café, boathouse, and resource center. Public access will be provided, in the form of a promenade, a pier at the terminus of Washington Street, bike and a waterfront park. The proposal also recommends the establishment of commercial development to the north of the Washington Street right-of-way.

The concept has been expanded further by a proposal by the Governor to construct a major research center whose focus would be the scientific study of river.

**6. Remove Sunken Vessels**

Abandoned barges and other debris that litter Newburgh's shorefront are a navigational hazard and visual blight. Children as well as adults use them as a fishing pier and diving platform, another hazardous situation. The debris should

be removed from the water by the property owners unless determined to have historic significance. The determination whether or not to remove sunken vessels will be coordinated with the interagency Ad Hoc Committee for Submerged Cultural Resources.

**7. Mooring Dolphins**

Large vessels such as tugboats that wish to stop at Newburgh have no alternative but to tie up at Newburgh Landing. The Landing is not designed for such vessels and is being destroyed by them. Mooring dolphins just offshore would provide safe facilities for such vessels.

**8. Fishing Pier**

The foot of First Street provides an opportunity to increase the amount and type of recreational facilities on the waterfront. A fishing pier would provide a safe alternative to the sunken barges from which people now fish and even swim. The pier would also provide a view of the City from the water, a perspective now available only to boaters. The estimated cost of this project is \$100,000.

**9. Focus on Broadway as Link to the Waterfront**

Broadway not only provides spectacular views to the Hudson River but serves as the main east-west link from the inland areas to the waterfront. A series of steps such as incorporating a nautical theme in signs and street amenities on lower Broadway and creating safe and attractive walkways between Broadway and the waterfront could tie together the coastal areas east and west of the railroad tracks.

Specific projects include:

- restoration of Downing Vaux Park at the foot of Broadway
- reduction of vehicular traveling speeds along Water Street
- provision of sidewalks along Renwick Street, Washington Street, First Street, and Third Street between Marine Drive and the waterfront
- provision of lights in the tunnels under the railroad tracks
- provision of a public walkway along the shorefront to create a loop between Renwick Street on the south and South Street on the north
- reopening railroad underpasses at First and Fifth Streets for pedestrian traffic.

**10. Railroad Station**

Unless adequate parking is provided, future use of the railroad station for passenger service would be precluded. The station is a significant building in the waterfront area, however, and should be preserved through adaptive reuse. If

commercial uses that generate traffic are proposed, the provision of parking, perhaps on-street or off-site, must be addressed.

**11. Front Street on Hudson Mixed Office/Retail Development and Marina**

As described in Section II, the urban renewal parcel south of Newburgh Landing Park is currently under construction for the development of mixed office/retail uses. The second phase of the project involves the construction of a 141-slip marina. State and federal permitting agencies are reviewing the development.

**12. Newburgh Landing Park**

Newburgh Landing Park will be redesigned in the year 2000, to include new landscaping, construction of the riverwalk through the park, reconstruction of the existing boat landing/fishing pier, and reconstruction of the public restrooms.

**13. Riverfront Restaurant and Boat Slips (Joscoss Development)**

As described in Section II, the urban renewal parcels north of the Newburgh Landing Park are being redeveloped for use as a waterfront restaurant. The second phase of the proposed project includes the proposed construction of accessory boat slips.

**14. Regal Bag Company**

The Regal Bag Building is situated on a large 5.75-acre waterfront property with direct frontage along the Hudson River. As viewed from the river, the tallest portions of the main building are six (6) stories high. The primary buildings were constructed in 1844 by the Newburgh Steam Mills, a cotton cloth mill. In the late 19<sup>th</sup> century, the building was converted by Caldwell Lawnmower Company to a lawn mower production factory. Currently, the building is being used as a repackaging facility for such items as wallets, handbags, and suitcases.

The City envisions the adaptive reuse of this underutilized building in accordance with the used allowed in the W-1 zoning district. For example, the ground floor of the main buildings could have a mix of office/retail uses. Upper stories might include office and residential uses. The configuration and mix of space depends on a variety of environmental and site-specific factors.

Outbuildings might be used for accessory recreational uses, e.g., a clubhouse, for the residential uses. Alternatively, these uses could also be used for office or retail use. The river walkway would be extended to this property.

**15. Front Street Reconstruction**

Front Street, and its road connections to Water Street (also known as “Marine Drive”), have been in a major state of disrepair and are currently being reconstructed to provide adequate access to the new uses being developed on either side of Newburgh Landing Park. In some locations, the existing subbase of Front Street consists of brick and belgian block pavers.

Reconstruction of the road will incorporate the salvageable original materials. In addition, decorative lighting fixtures comparable to those along Water Street are being installed along Front Street and within the parking areas associated with the new development. The color of lighting poles, however, will be green to provide a sense of transition between Marine Drive and the waterfront. Belgian block pavers are being used for curbing, and decorative benches and waste receptacles are also proposed.

At this time, Front Street extends only from South Street to just south of First Street. In the long term, the City will study the feasibility of extending Front Street to River Street to provide additional vehicular and pedestrian access to waterfront parcels.

**16. Shoreline Stabilization**

The City has secured funding for the design and construction of approximately 1,700 linear feet of shoreline along Newburgh Landing and the two adjacent urban renewal parcels. This stabilization will protect the City’s investment in the river walkway. The City will continue to pursue private/public investment to protect the land area immediately adjacent to the river from erosion.

**17. Hudson River Walkway**

The City of Newburgh obtained a grant to construct a river walkway from the proposed riverfront restaurant to the north of Newburgh Landing, through Newburgh Landing, to 26 Front Street. The walkway will ultimately traverse the riverfront from the Regal Bag Company property to the proposed Hudson River Center. From Front Street on Hudson south, public easements for the walkway would have to be negotiated with private property owners. In the interim, the walkway will link with existing sidewalks along Front Street and Marine Drive for continuity.

Connections to areas west of the waterfront planning subarea are also necessary, to link the immediate waterfront to the Broadway and Liberty Street areas.

**18. Underutilized/Vacant Land**

The City has determined that any vacant underutilized/vacant land within the waterfront planning subarea should be nonresidential in character to enhance the City's ratable base. In particular, commercial uses such as retail establishments attract and generate tourism activity along the immediate waterfront. Residential uses are to be limited to adaptive reuse of the Regal Bag Company building.

**19. Signs and Logo**

Newburgh has many resources to attract visitors: extensive historic district, spectacular views of the Hudson river, a scenic drive, Washington's Headquarters, and an extensive waterfront with a boat launch and docks. There is need for an information program to direct visitors to these sights. An informational brochure, signs, and a waterfront logo could also be used to remind residents of Newburgh's assets and foster a sense of pride in the community. The City would work with Orange County and regional tourism promotion groups to ensure that Newburgh's resources are advertised.

A wayfinding signage program should be developed as one means of linking the tourism destinations along Broadway and Liberty Street and other inland locations to the waterfront planning subarea.

In addition, to provide additional historic and cultural interest along the walkway, the City proposes to develop interpretive signage.

**20. Educational Program**

Awareness of Newburgh's historic, scenic, and marine resources should begin with residents of the City and surrounding communities. Educational programs should be developed and incorporated into the City's recreational programs and offered to the schools. These should concentrate on activities that will bring the children to the waterfront and adjacent historic districts. The Sloop Clearwater, Washington's Headquarters, and the Historical Society will be contacted concerning cooperative programs.

**21. Harbor Management Plan**

The Washington Street boat launch, Newburgh Landing, and the yacht club are the areas along Newburgh's shoreline that are accessible to the boating public. Therefore, direct involvement of the community with the water resource and competition for waterfront facilities is not extensive. However, the City will undertake a harbor management plan as provided under Article 42 of the Executive Law, when greater competition for waterfront uses occurs. For

example, upon completion of the proposed waterside improvements to the two urban renewal parcels adjacent to Newburgh Landing, such uses could contribute to competition for use and a harbor management plan may become essential. A Harbor Management Plan would include appropriate local laws to regulate vessels, structures and uses within the management area; special studies and design projects to refine the plan; identify capital improvement projects to maintain or improve conditions in the harbor area; and, coordinate such actions as are appropriate with state and federal agencies.

**22. Waterfront Design Standards**

Waterfront design standards are needed to ensure that public access facilities on public and private waterfront property are compatible both physically and visually, with the historic fabric of the City's existing buildings. Such design standards are being developed in conjunction with the proposed urban renewal waterfront developments. Any proposed new construction or rehabilitation of structures would have to be consistent with the design guidelines implemented as part of the creation of a Hudson River Architectural Design District (ADD). This district is proposed as part of a set of comprehensive zoning amendments proposed citywide for Newburgh.

**23. Quassaick Creek Trail**

The City will pursue opportunities to restore the ecological habitat along the Quassaick Creek. Such activities could be linked to any scientific/educational investigations to be conducted at a Hudson River Interpretive or Research Center. It is the City's goal to create a passive waterfront trail along the Creek for nature watching and trail walking. The trail would ultimately extend to the Hudson River walkway.

**24. The Foundry at Washington Park**

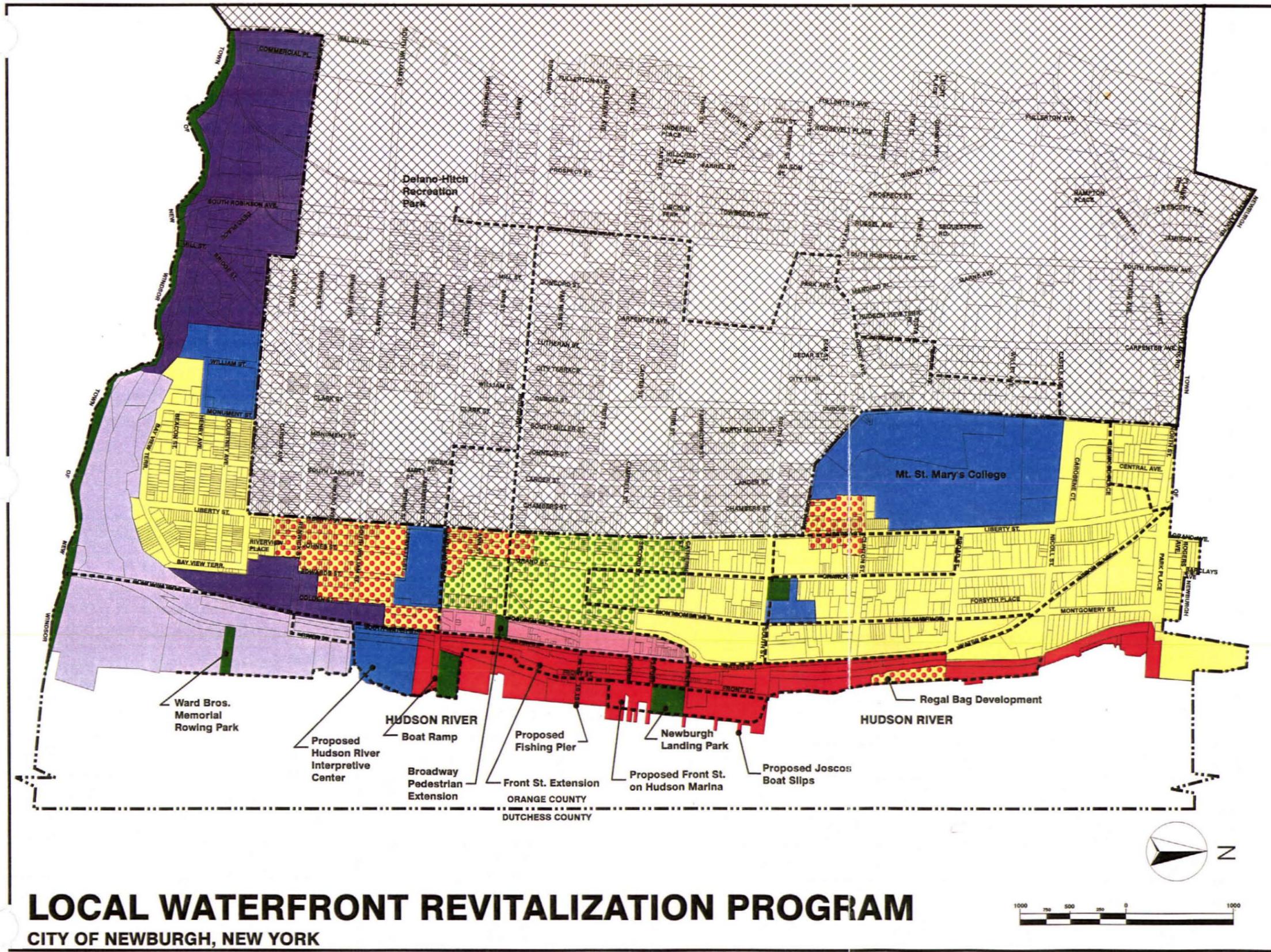
The Foundry, located in the inland planning area of the LWRP, is proposed to be adaptively reused for residential purposes. Due to its former use as a foundry, possible contamination exists at the site. The City will seek funds to assist in the investigation/remediation of this site, as well as other former industrial properties within the LWRP area which may need remediation to be reused.

**25. Museum "Row"**

A cluster of museums are being developed within the inland planning subarea - extending from the Crawford Museum on Montgomery Street to the north, to a newly created Manuscript Museum at the corner of Liberty Street and Broadway, and a Purple Heart Museum to be housed at the Washington Headquarter's and

Museum at Liberty Street and Washington Street (alternatively to be housed in a new building adjacent to Washington's Headquarters). The Hudson River Interpretive Center along the Hudson River would likewise include a museum. The City is also seeking to adaptively reuse the Liberty Street School at Liberty Street and Renwick Street for a museum highlighting Orange County's history.

The City of Newburgh will seek opportunities to market the burgeoning museum activities available in Newburgh, create thematic signage to identify the museum locations, and provide linkages between these activities and those along the waterfront.



- OPEN SPACE/RECREATION
- RESIDENTIAL/CIVIC/OFFICE
- RESIDENTIAL
- RESIDENTIAL/COMMERCIAL
- INSTITUTIONAL/CULTURAL
- OFFICE/HOTEL/COMMERCIAL
- WATERFRONT COMMERCIAL
- WATER-DEPENDENT INDUSTRIAL
- INDUSTRIAL/HEAVY COMMERCIAL
- AREA OUTSIDE LWRP
- GREENWAY/WATERFRONT WALKWAY
- LWRP Boundary

Ward Bros. Memorial Rowing Park

Proposed Hudson River Interpretive Center

HUDSON RIVER Boat Ramp

Broadway Pedestrian Extension

Proposed Fishing Pier

Front St. Extension ORANGE COUNTY DUTCHESS COUNTY

Proposed Front St. on Hudson Marina

Newburgh Landing Park

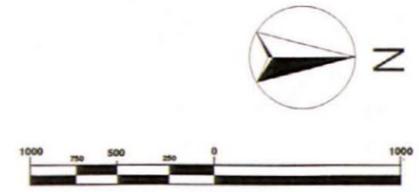
Proposed Joscus Boat Slips

Regal Bag Development

HUDSON RIVER

Map 9:  
**PROPOSED LAND & WATER USE**  
 Stuart Turner & Associates  
 PLANNING & DEVELOPMENT CONSULTANTS  
 Last Revised: 2003  
 BASE MAP: ORANGE COUNTY WATER AUTHORITY

**LOCAL WATERFRONT REVITALIZATION PROGRAM**  
 CITY OF NEWBURGH, NEW YORK



**SECTION V**  
**LOCAL LAWS AND REGULATIONS**  
**NECESSARY TO IMPLEMENT**  
**THE PROGRAM**

## **SECTION V - Local Laws and Regulations Necessary to Implement the Program**

This section describes the techniques for implementation of the City of Newburgh LWRP. It describes the land use controls that have been enacted by the City to implement the policies and projects of the LWRP.

### **A. LAWS AND REGULATIONS**

#### **1. Zoning Regulations**

The zoning regulations for the City of Newburgh establish use districts and regulations applicable to the uses allowed within each district. The zoning regulations establish setback and density requirements, regulate the bulk and arrangement of buildings, the area of lots covered by development and open space, the provision of off-street parking, and the location of accessory structures that support the principal uses and buildings on each property.

The following zoning districts apply to properties within the LWRP.

- R-1 One Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential
- RC Civic Center & Residential
- TC-1 Tourist Commercial
- I-1 Heavy Commercial/Light Industrial
- W-1 Waterfront Mixed Use
- W-2 Waterfront Industrial

The districts, illustrated on Map 3, implement the LWRP as indicated below:

- **R-1 Zoning District** - The small lot urban character and existing single family uses within these areas will be encouraged and the conversion of single family residences to two and multiple family residences will be discouraged.
- **RC, Civic Center and Residential Zoning District** - This is the City's "civic" center with a mix of municipal, institutional, and office uses permitted along the lower end of Broadway and in the vicinity of Grand Street north of Broadway. Residential uses are also permitted.
- **TC-1 Zoning District** - The TC-1 district includes several properties along Broadway, Liberty Street as well as urban renewal land between Water Street and Colden Street. The TC-1 zoning district is intended to encourage tourist-related commercial uses. It also permits residential uses in the upper floors of mixed use buildings. For the area north of South Street along both sides of Liberty Street the intent is to adaptively reuse

several of the vacant industrial buildings in this location for tourist-related uses, e.g., art gallery.

- I-1 Zoning District - In areas with this zoning designation, residential uses or general commercial uses are not permitted. Rather, it will be dedicated to heavy commercial and light industrial use. This is intended to protect the nonresidential employment and tax base within the City.

**a. Waterfront Districts**

The City of Newburgh adopted comprehensive zoning amendments in 1992 and 1998 to encourage water-dependent and water-related uses along the City of Newburgh's waterfront. The districts that influence land use immediately adjacent to the waterfront are the W-1 and W-2 zoning districts. The waterfront districts permit and encourage a range of water-dependent and water-enhanced uses to ensure that the City's valuable waterfront land is developed in a manner that will ensure an attractive waterfront setting with a mix of activities that are beneficial to city residents and waterfront property owners. It is also the goal of these districts to ensure that development incorporate a public access component to allow use of the waterfront by residents, employees, and visitors.

**W-1 Zoning District**

The W-1 zoning district is located primarily to the east of Water Street, and north of River Street. The following uses are permitted on lots having Hudson River frontage:

- Yacht clubs and marinas, including uses accessory to them such as a boatel (hotel-motel for boat operators and guests), swimming pools, tennis courts, and racquetball facilities.
- Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure, or fishing or vessels in fishery or shell fishery.
- Yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons.
- Boat and marine engine sales and display, yacht broker, marine insurance broker.

- Rental of boats.
- Retail sales or rental of boating, fishing, diving, and bathing supplies and equipment.
- Sail loft or ship's chandlery.
- Parks, aquariums, museums, and libraries.
- Waterborne transportation terminals and passage ticket sales, providing parking lots for these uses shall not be located on any sites within Hudson River frontage.

Several uses are permitted on lots that do not have Hudson River frontage, or are allowed by special use permit if located on a lot with Hudson River frontage, including:

- Retail uses in addition to those permitted by right, provided that no single store shall exceed 8,000 square feet except that a store devoted principally to the sale of marine supplies may exceed 8,000 square feet but may not exceed 25,000 square feet. Retail uses are required to provide public access via a public walkway to the riverfront in accordance with Section 300-174 of the zoning regulations.
- Restaurants, art and antique galleries, professional and business offices. These uses are required to provide public access via a public walkway to the riverfront in accordance with Section 300-174 of the zoning regulations.
- Garden apartments, as such use is permitted in the G-1 district subject to all restrictions provided therein. Garden apartments are required to provide public access in accordance with 300-174 of the zoning regulations.
- All other uses that are permitted in this district which do not require Hudson River frontage in order to function.

Certain uses are permitted by special permit whether or not they have Hudson River frontage:

- Adaptive reuse of existing buildings for residential use (applicable to the Regal Bag Company Building).

- Single family attached and multifamily dwellings (intended for Pier Loun and Ferry Crossing developments to remain as non-conforming uses in the W-1 zoning district).

The zoning provisions within the W-1 district require that certain uses provide public access via a walkway open to the public. Houseboats are specifically prohibited from the W-1 district.

### **W-2 Zoning District**

The W-2 zoning district is bound by South William Street to the north, Water Street to the west, the City's border with the Town of New Windsor to the south, and the Hudson River to the east. The following are permitted uses within the W-2 zoning district:

- Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure or fishing or vessels engaged in fishery or shell fishery.
- Yards for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel and restroom and laundry facilities to serve overnight patrons.
- Boat and marine engine sales and display, yacht broker and marine insurance broker.
- Rental of boats.
- Retail sale or rental of boating, fishing, diving and boating supplies and equipment.
- Sail loft or ship's chandlery.
- Parks.
- Municipal services.

Certain uses in the W-2 district are allowed by special use permit. These uses include:

- Wholesale and/or retail sale of fish, provided that no processing occurs on the site.
- Research, design and development laboratories needing a waterfront location.

- Industrial uses requiring waterfront access for shipping or receiving raw materials, provided that such uses shall have a 25-foot landscape buffer on all sides except the waterfront, and no exposed storage shall be visible from adjoining properties. Liquid storage shall be limited to fuel oil required by the Newburgh area and nonflammable and nontoxic materials.
- Passenger terminals.

Special permit uses that abut the Hudson River or the Quassaick Creek must provide public access.

**b. View Preservation District (see Appendix A)**

The City of Newburgh adopted zoning regulations intended to protect certain vistas within the City of Newburgh from encroachment by buildings which might block or intrude into designated views. The views are from the following locations:

1. Grand and Washington Streets.
2. Washington's Headquarters.
3. Broadway and Colden.
4. Grand and Second Streets.
5. Public Library.
6. First and Grand Streets.
7. Montgomery Street and Leroy Place.
8. Montgomery Street.
9. Leroy Place and Park Place.

No building, structure or permanent improvement may be erected, have its exterior reconstructed, restored, structurally altered, or placed within a defined view plane in a manner that would impair or cause significant loss of an existing scenic public view unless visual site plan approval by the Architectural Review Commission within the Historic District or the Planning Board outside the Historic District is obtained.

**c. Historic Preservation (see Appendix D)**

The Zoning Ordinance, Section 24-57.1, provides for "... the promotion of the educational, cultural, economic and general welfare of the people of Newburgh through the protection, enhancement, perpetuation and preservation of various specific areas of the City of Newburgh to be known as Historic Districts or Architectural Design Districts."

The Ordinance establishes an architectural review commission of nine, members of which include the chairmen of the planning board and the

zoning board of appeals, the city historian, and a registered architect. The commission acts in an advisory capacity to the ZBA and the planning board. Only buildings constructed prior to 1900 are protected, however; but review extends to changes in exterior architectural features, materials, appurtenances such as outbuildings and fences, and site design. The ZBA shall defer any decision on such matters pending the receipt of a report from the Architectural Review Commission.

The City Historic District is shown on Map 3. The zoning ordinance has been amended to apply to any structure listed or eligible for listing on the National and State Registers of Historic Places. A local landmark register will also be established.

The law has been strengthened to prevent demolition of significant structures. Provision have been made for protection of archeological resources by noting that the State Historic Preservation Office maps of archeological resources will be consulted whenever land is to be disturbed.

**d. Special Permit Uses**

Special uses are allowed subject to approval by the Planning Board in order to streamline the permitting process and reduce the time involved in seeking approvals from multiple agencies/boards. Special use conditions are typically matters that the Planning Board considers when conducting site plan review. The zoning ordinance includes regulations which (a) stipulate conditions under which a special permit will be granted, (b) clarify the position of the architectural review commission, and (c) give clearer guidelines for the protection of significant views and vistas. The special permit conditions section includes a requirement that special permit uses within the LWRP area be undertaken in a manner consistent with the policies of the LWRP.

**e. Site Plan Review**

New development or proposed redevelopment within the LWRP area is subject to site plan review and approval by the Newburgh Planning Board.

(1) Site Plan Approval Checklist - Identification of any hazardous materials associated with the proposed industrial use and disclosure of information on use, storage, treatment and disposal.

(2) Best Management Practices during construction and operation phases have been added to Section 24-67, Approval of Site Development Plans, of the Zoning Ordinance.

(3) Flood Damage Prevention. These regulations require, wherever possible, that areas subject to flooding be relegated to open space and recreation uses not adversely affected by flood waters.

**2. City of Newburgh Urban Renewal Plan**

The Urban Renewal Plan was enacted in the 1960's to guide the redevelopment of urban renewal parcels. The Urban Renewal Plan is still utilized by the City to guide the disposition of former urban renewal proposals located within the LWRP area.

Urban renewal policies are consistent with, and support several LWRP policies, specifically:

- Policy 1 Revitalization of Deteriorated Waterfront Areas
- Policy 18 Safeguarding Vital Interests of the State
- Policy 19 Access to Public Water-Related Recreation
- Policy 23 Historic Resources
- Policy 25 Overall Scenic Quality

**3. Local Consistency Law (see Appendix E)**

A local law was adopted under the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42, Executive Law) enabling the city to review its own or any other proposals for activities within the LWRP area. This review ensures that actions are consistent with the policies and purposes of the LWRP.

Under this law, a Waterfront Advisory Committee has been established as an advisory body to the city's planning board. The Committee is furnished with a completed copy of a Coastal Assessment Form (CAF) to assist with the consistency review. The Planning Board considers the recommendations of the Committee before making its determination as to the consistency of a proposal with the objectives of the Local Waterfront Revitalization Program (LWRP). State and federal actions are reviewed in accordance with guidelines established by the NYS Department of State.

**SECTION VI**

**STATE AND FEDERAL ACTIONS AND PROGRAMS  
LIKELY TO AFFECT IMPLEMENTATION**

## **SECTION VI - STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP an unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the *State Waterfront Revitalization of Coastal Areas and Inland Waterways Act* (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The *State Waterfront Revitalization of Coastal Areas and Inland Waterways Act* requires that an LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

**A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP**

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
  - 1.19 Vessel Beer and Liquor Licenses
  - 1.20 Warehouse Permit
  - 1.21 Wine Store License
  - 1.22 Winter Beer and Liquor Licenses
  - 1.23 Wholesale Beer, Wine, and Liquor Licenses

## **DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
  - 1.22 Authorization Certificate (Savings and Loan Association Branch)
  - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
  - 1.24 Authorization Certificate (Savings and Loan Association Charter)
  - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)

- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

**NEW YORK STATE BRIDGE AUTHORITY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

**OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONAL SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

**EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate

- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

**EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit

- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval -Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification

- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

**ENVIRONMENTAL FACILITIES CORPORATION**

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

## **FACILITIES DEVELOPMENT CORPORATION**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of State lands, including grants of land and grants of easement of land under water, including for residential docks over 4000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archaeological and paleontological objects under State water bodies.
- 5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters.

## **GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

## **DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach

- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES  
AND AFFILIATES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

**HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)**

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

## **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

## **METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

## **DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

## **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

## **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

## **POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

## **NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

## **DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

## **STATE UNIVERSITY CONSTRUCTION FUND**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

## **THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
  - 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste

- 3.03 Occupancy Permit
- 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

**DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.

- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

## **2. FEDERAL AGENCIES**

### **DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

#### **DEPARTMENT OF COMMERCE**

##### **National Marine Fisheries Services**

- 1.00 Fisheries Management Plans

#### **DEPARTMENT OF DEFENSE**

##### **Army Corps of Engineers**

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

##### **Army, Navy and Air Force**

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

#### **DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

#### **GENERAL SERVICES ADMINISTRATION**

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

#### **DEPARTMENT OF INTERIOR**

##### **Fish and Wildlife Service**

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

##### **Mineral Management Service**

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

##### **National Park Service**

- 3.00 National Park and Seashore management and proposed acquisitions.

#### **DEPARTMENT OF TRANSPORTATION**

##### **Amtrak, Conrail**

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

##### **Coast Guard**

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

**FEDERAL LICENSES AND PERMITS**

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

**DEPARTMENT OF ENERGY**

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).

- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

#### **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

#### **DEPARTMENT OF INTERIOR**

##### Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

##### Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

#### **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plans pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

#### **SURFACE TRANSPORTATION BOARD**

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
  
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

### **Federal Aviation Administration**

- 3.00 Permits and licenses for construction, operation or alteration of airports.

## **FEDERAL ASSISTANCE\***

### **DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

### **DEPARTMENT OF COMMERCE**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support

- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodel Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

**COMMUNITY SERVICES ADMINISTRATION**

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

**ENVIRONMENTAL PROTECTION AGENCY**

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

**DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid

- 15.417 Urban Park and Recreation Recovery Program
  - 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

**SMALL BUSINESS ADMINISTRATION**

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

**DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
  - 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

\* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

## **FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP**

### **1. State Actions and Programs**

#### **OFFICE OF GENERAL SERVICES**

- Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

#### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

#### **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP — including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

#### **DEPARTMENT OF STATE**

- Provision of funding for the implementation of an approved LWRP.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

#### **HUDSON RIVER VALLEY GREENWAY**

- Technical and financial assistance to enhance local land use planning and support Greenway Criteria.

#### **GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY**

- Assistance in the acquisition, disposition, lease or grant of easement related to lands which the Conservancy has an interest.
- Assistance in trail development, Hudson River public access projects, and natural and cultural resources.

## **2. Federal Actions and Programs**

### **DEPARTMENT OF DEFENSE**

#### **Corps of Engineers**

A U.S. Army Corps of Engineers permit would be required for the following activities:

- dredging and shoreline stabilization
- repair or installation of boat ramps
- restoration of Quassaick Creek
- installation of piers and marina-related facilities

### **ENVIRONMENTAL PROTECTION AGENCY**

Review of any proposed action within a National Register District pursuant to NEPA.

### **DEPARTMENT OF THE INTERIOR**

#### **National Park Service**

Provision of funding under the Land and Water Conservation Fund Program.

Review of federal actions within the National Register Districts pursuant to NEPA.

**Appendix A**  
**Viewshed Protection Overlay District Regulations**

LOCAL LAW NO. 3-98

OF Aug. 10, 1998

A LOCAL LAW TO AMEND THE ZONING ORDINANCE  
OF THE CITY OF NEWBURGH  
TO ESTABLISH A VIEW PRESERVATION DISTRICT

WHEREAS, the Council of The City of Newburgh finds that many scenic public views of the Hudson River, Hudson Highlands and east bank of the Hudson River have been lost, altered or changed without adequate consideration of the irreplaceable loss to the people of the City as to the scenic, aesthetic, cultural, and historic values represented by such scenic vistas; and

WHEREAS, this Council desires to protect, preserve and enhance these scenic public views and to this end, hereby enacts this Scenic Resource Protection Law,

NOW, THEREFORE, BE IT ENACTED, by The Council of The City of Newburgh, New York, that Chapter 300 of the Code of Ordinances of The City of Newburgh, be and hereby is amended as follows:

**Section 1.** That there be and hereby is enacted, a new Article to be numbered "Article XXV" and to read as follows:

"ARTICLE XXV - View Preservation District - VPD"

**Section 300-210 - Purpose and Intent**

- (A) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of scenic public views is a public necessity and is required in the interest of the general health, safety and welfare of the people. The purpose of this Law is to effect and accomplish the protection, enhancement and perpetuation of the City's scenic resources, aesthetic and cultural heritage as embodied in the landscape and geologic features of the City.
- (B) It is declared to be the intent of The City of Newburgh to protect and preserve the scenic resources of the City to ensure that the benefits provided by the Hudson River views will not be lost for present and future generations and to protect the broader public interest.
- (C) These regulations are enacted with the intent of providing an equitable balance between the rights of the individual property owner to the free use of property and the rights of present and future generations. Therefore, this Law recognizes the

rights of the owners of property within View Preservation Districts to use their property for allowed uses consistent with these and other regulations and controls, provided such use does not result in a significant loss or impairment to the scenic resources of the City.

**Section 300-211 - Definitions**

- (A) "Significant Loss" means the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction or removal of structures, whenever the geologic forms, vegetation or structures are important to the scenic resources of the City.
- (B) "Impairment" means the addition of structures, which because of siting or scale, will reduce identified views or which because of scale form or materials will diminish the scenic resources of the City.

**Section 300-212 - Identification and Designation**

**(A) View Preservation District**

1. The Zoning Law of The City of Newburgh and the Zoning Map of The City of Newburgh are hereby amended to create, identify and designate a View Preservation District to preserve and protect views, hereinafter more specifically described, of the Hudson River Hudson Highlands and East Bank of the Hudson River from certain existing streets, parks and legally accessible public property.
2. The boundaries of the View Preservation District are described as follows: Beginning at the point in the center of the Hudson River, being the east line of Orange County at the point of intersection of the municipal boundary between the Town of Newburgh and the City of Newburgh; then westerly along that boundary to the point where North Plank Road intersects with Powell Avenue; then southerly along Powell Avenue to Gidney Avenue; then southeasterly along Gidney Avenue to Liberty Street; then southerly along Liberty Street to Overlook Place; then westerly along Overlook Place to Mill Street; then northerly along Mill Street to Dickson Street; then westerly along Dickson Street to Walsh's Road; then southerly along Walsh's Road to the municipal boundary between the Town of New Windsor and the City of Newburgh; then easterly along that boundary to the center line of the Hudson River, being the east line of Orange County.
3. The following view planes within the View Preservation District shall be protected and all construction or development within the defined view planes shall be subject to the review and approval of the Architectural Review Commission in those areas within the City's Historic District or to the review and approval of the Planning Board in those areas not within the City's Historic District.

A. Grand and Washington Streets.

1. View reference line.

The view reference line for V-A is a line at an elevation of one hundred (100) feet, located along a line extending from the eastern boundary of the Grand Street right-of-way from the northern boundary of the Washington Street right-of-way to the southern boundary of said right-of-way.

2. View framing line.

The view framing line for V-A is a line along the corporate boundary of the City centered on the Hudson River from the point of intersection with a line extending from the view reference line eight degrees north of the northern right-of-way of Washington Street to the point of intersection with a line extending from the view reference line six degrees south of the southern right-of-way of Washington Street.

3. View plane.

The view plane for V-A is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

A wall of trees is on the left. Another wall consisting of trees, the Washington's Headquarters fence and monument is on the right. Washington Street, its sidewalk and the grass strip separating them, form three parallel lines that sweep down to the river, a glimpse of which is seen in the background, along the mountain on the eastern bank. Thus, the natural properties of the enclosure provide a welcome visual contrast to the built environment of the central business district.

B. Washington's Headquarters.

1. View reference line.

The view reference line for V-B is a line at an elevation of one hundred (100) feet located along the eastern edge of the monument of Washington's Headquarters.

2. View framing line.

The view framing line for V-B is a line along the near shore of the Hudson River from the point of intersection of a line extending from the view reference line on hundred sixty-one degrees northeast of the edge of the monument to the point of intersection of a line extending from the view reference line on hundred thirty-eight degrees southeast of the edge of the monument.

3. View plane.

The view plane for V-B is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

The view to the southeast focuses on the river and background mountains. The view to the west is similar in most respects to the view to the southeast. It is partially enclosed and focuses on the water. It is predominantly horizontal. The river, the lawn and the roof line of the building in the center of the picture are all horizontal in character. The view to the northeast is a clear view of the river, the background mountain and the Newburgh-Beacon Bridge. Although the monument to the left of the picture partially obstructs the view, it enhances it by helping to preserve the sense of peace and quite reflected in the foreground lawn as well as in the river.

C. Broadway and Colden.

1. View reference line.

The view reference line for V-C is a line at an elevation of one hundred (100) feet located along a line one hundred (100) feet west of Colden Street from the southerly boundary of the Broadway right-of-way to the northern boundary of said right-of-way.

2. View framing line.

The view framing line for V-C is a line along the near shore of the Hudson River from the point of intersection of a line extending from the view reference line twenty five degrees of the Broadway right-of-way to the point of intersection of a line extending from the view reference line thirty degrees southeast of the Broadway right-of-way.

3. View plane.

The view plane for the V-C is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

Looking northeast, the foreground is occupied by open space that has been identified for pedestrian walkways to the waterfront. Marine Drive runs parallel to the river in the middle ground. On the river's edge, in the background, are low buildings that do not obstruct the view. The Newburgh-Beacon Bridge fades into the horizon.

The view looking southeast, features the sloping parkland in the foreground. The middle ground is occupied by low industrial buildings and a marina bay. In general, however, the picture is dominated by the river and the highlands between which the Hudson River winds.

The view looking due east is similar in character to that looking southeast. The background is dominant because of the emphasis the mountain and river give each other. The middle-ground is occupied by industrial use. The foreground is sloping parkland and a proposed site of intensive recreational use.

D. Grand and Second Streets.

1. View reference line.

The view reference line for V-D is a line at an elevation of one hundred (100) feet, located along a line extending from the intersection of the southern boundary of the Second Street right-of-way with the western boundary of the Grand Street right-of-way.

2. View framing line.

The view framing line for V-D is a line at an elevation corresponding to the elevated rails east of Water Street, along said rails from a point corresponding with the southern boundary of the First Street right-of-way to a point corresponding with the northern boundary of the Second Street right-of-way.

3. View plane.

The view plane for V-D is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

The parking lot which occupies the foreground is greatly enhanced by the river and mountain background.

E. Public Library.

1. View reference line.

The view reference line for V-E is a line at an elevation of one hundred (100) feet located along the inside of the western wall of the Public Library from the southernmost frame of its plate glass window to the northernmost frame of its plate glass window.

2. View framing line.

The view framing line for V-E is a line at an elevation corresponding to the elevated rails east of Water Street along said rails from a point three hundred (300) feet south of First Street to a point one hundred fifty (150) feet north of South Street.

3. View plane.

The view plane for V-E is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the framing line.

4. Description of scenic view.

The river and mountains can be seen from every direction.

F. First and Grand Streets.

1. View reference line.

The view reference line for V-F is a line at an elevation of one hundred (100) feet located along a line extending from the intersection of the southern boundary of the First Street right-of-way with the eastern boundary of the Grand Street right-of-way to the intersection of the northern boundary of the First Street right-of-way with the eastern

boundary of the Grand Street right-of-way.

2. View framing line.

The view framing line for V-F is a line along the corporate boundary of the City centered on the Hudson River from the point of intersection of a line extending from the view reference line five degrees north east of the First Street right-of-way to the point of intersection of a line extending from the view reference line twenty seven degrees southeast of the First Street right-of-way.

3. View plane.

The view plane for V-F is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

The northern view is predominantly horizontal in orientation. This is reflected in the level street and sidewalk, the river, the Newburgh-Beacon Bridge and the roofline of the residential buildings in the background.

The southern view is enclosed by the Key Bank building on the right and the mountains on the left. The river in the middle ground thus becomes an area on which the eye focuses readily.

G. Montgomery Street and Leroy Place.

1. View reference line.

The view reference for V-G is a line at an elevation of one hundred ten (110) feet located along a line extending from the intersection of the western boundary of the Montgomery Street right-of-way with the western boundary of the Leroy Place right-of-way to the intersection of the eastern boundary of the Montgomery Street right-of-way with the northern boundary of the Nicoll Street right-of-way.

2. View framing line.

The view framing line for V-G is a line along the corporate boundary of the City centered on the Hudson River from the point of intersection of a line extending from the view reference line forty seven degrees east of the

eastern boundary of the Montgomery Street right-of-way to the point of intersection of a line extending from the view reference line ten degrees east of the western boundary of the Montgomery Street right-of-way.

3. View plane.

The view plane for V-G is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

This view shows the river and the highlands.

H. Montgomery Street.

1. View reference line.

The view reference line for V-H is a line at an elevation of one hundred (100) feet located along a line extending from the intersection of the southern boundary of the South Street right-of-way with the eastern boundary of the Montgomery Street right-of-way to the intersection of the northern boundary of the South Street right-of-way with the eastern boundary of the Montgomery Street right-of-way.

2. View framing line.

The view framing line for V-H is a line at an elevation five (5) feet above the sidewalk along the eastern side of Water Street along said sidewalk from the point of intersection with the northern boundary of the street right-of-way to a point thirty (30) feet north of the northern boundary of the South Street right-of-way.

3. View plane.

The view plane for V-H is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

This view shows Bannerman's Island; the river and mountains in the background. It is prominent not only because it is picturesque, but also because it is seen from a position in the Historic District where the historic

preservation movement in Newburgh began.

I. Leroy Place and Park Place.

1. View reference line.

The view reference line for V-I is a point at an elevation of one hundred fifty (150) feet located at the intersection of the eastern boundary of the Liberty Street right-of-way with the northern boundary of the Park Place right-of-way.

2. View framing line.

The view framing line for V-I is a line along the near shore of the Hudson River from a point sixty (60) feet south of the southern boundary of the Park Place right-of-way to a point sixty (60) feet north of the northern boundary of the Park Place right-of-way.

3. View plane.

The view plane for V-I is an imaginary plane formed by joining the elevation of the view reference line with the elevation of the view framing line.

4. Description of scenic view.

This view is highly enclosed by the trees on either side of the corridor and by the mountain in the background. The sudden glimpse of the river thus produced, adds variety to the landscape along Leroy Place and Water Street, the main north-south transportation route on the waterfront.

5. The View Preservation District shall be an overlay zoning district superimposed on the zoning districts as shown on the amended zoning map.

**Section 300-213 - Use and Development within View Preservation Districts**

(A) Use Restrictions

1. No building, structure or permanent improvement shall be erected, have its exterior reconstructed, restored, structurally altered, or placed within a defined view plane within the View Preservation District in a manner which may impair or cause significant loss of an existing scenic public view unless visual site plan approval by the Architectural Review

Commission within the Historic District or the Planning Board if outside the Historic District in accordance with the provisions of this Law has been obtained.

2. The provisions of this Law shall not apply to ordinary care and maintenance of structures and property nor to the reconstruction of a structure pre-existing the adoption of this ordinance, provided that an application for a building permit to make such reconstruction is filed with the Building Inspector within one year after the destruction or damage to said structure and further, that the reconstruction work in accordance with said permit is diligently prosecuted.

**(B) Architectural Review Commission and Planning Board Visual Site Plan Standards and Procedures**

1. a. When the Building Inspector receives an application to permit the erection of a building or structure, exterior reconstruction, restoration, alteration, demolition or permanent improvement in the View Preservation District which will impact a defined view plane, the Building Inspector shall require the applicant to submit a Visual Environmental Assessment Form (VEAF) and plan elevation in accordance with the requirements of this local law. The application, together with the VEAF and plan elevation, shall be referred to the Architectural Review Commission in regard to properties within the City of Newburgh Historic District or to the Planning Board in regard to properties located outside the Historic District. The Architectural Review Commission or Planning Board shall evaluate the proposed activity so as to avoid impairment or significant loss of scenic public views of the Hudson River, Hudson Highlands and East Bank of the Hudson River. To assist in the evaluation, the Waterfront Advisory Committee shall provide the Architectural Review Commission or the Planning Board with a written advisory opinion and recommendation concerning the impact of the proposed activity upon such views. If the Waterfront Advisory Committee fails to submit an advisory opinion within thirty (30) days after the submission of the VEAF and elevation plan to them, the Architectural Review Commission or Planning Board may act without such opinion from the Waterfront Advisory Committee.
- b. Visual plan review in accordance with the provisions of this Law shall be in accordance with the provisions for approval contained herein. The Architectural Review Commission or the Planning Board may require the submission of additional information as they may deem necessary to evaluate the effect of the application on scenic public views including the submission of a photo simulation. A public hearing shall be held in all instances, noticed in the same manner as provided in the Zoning Ordinance

for public hearing before the Zoning Board of Appeals. A decision shall be rendered no later than Thirty days after the public hearing is closed and all information requested has been submitted.

- c. Coordination with other reviews. To the maximum extent possible, the review, hearings and decision required under this article shall be coincident with other procedures and applications that may be before the Planning Board and Zoning Board of Appeals related to the same proposed activity.

2. Visual analysis procedures and standards.

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

a. Visibility analysis procedures:

(1) The Architectural Review Commission or Planning Board shall:

- (a) identify the site and perform a site inspection and examination for any public Hudson River view.
- (b) Determine the visibility of the project within the protected view planes and the extent to which a scenic view or views could be impacted.
- (c) Determine the project's visual impact based on:
  - i. Distance - the proximity of the project site to a viewpoint.
  - ii. Aspect - the direction of a project relative to the observer. The more directly a project faces the observer, the greater its impact.
  - iii. Relationship - Location of the project within the view shed protection district.
  - iv. Other Impacts - Other impacts such as color, size shape and type of use.

b. The Architectural Review Commission or Planning Board and the

Waterfront Advisory Committee shall, where appropriate, utilize the following siting considerations:

- (1) Structures should be oriented so that the longest dimensions are not in full sight of the public view.
- (2) Structures should be angled rather than positioned flush with the street line to avoid a wall effect.
- (3) Structures should be situated in areas of shallow slope.
- (4) Structures should be situated mid-slope or at the base of slopes rather than at the top of slopes.
- (5) Where multiple structures are to be located on a site, buildings should be grouped in non-view areas or scattered throughout the site or around an open space green area to avoid a wall effect.
  - (a) Setbacks should be varied
  - (b) Large rectangular configurations should be avoided

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

- (1) Low rise structures are not as visually dominant as multi-story structures and are to be encouraged.
- (2) Development is to be integrated with existing vegetation.
- (3) Construction should be compatible in scale with neighboring properties.

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

- (1) Keeping existing trees and other shrubbery on site is highly desirable. To retain the natural characteristics of a property, care during site preparation and construction is essential, unnecessary tree removal is to be avoided and landform alterations should be minimized wherever possible.

- (2) The use of deciduous vegetation, which permits seasonal Hudson River views, is encouraged.
- (3) Trees, shrubs and hedges shall be planted and maintained so as to avoid obstruction of protected views of the Hudson River. Existing vegetation shall be maintained so as to avoid obstruction of a protected view.
- (4) Where vegetation is too thick, views of the river can be opened up through selective cutting rather than wholesale removal of existing vegetation.

**Section 2.** The Zoning Ordinance of the City of Newburgh is hereby amended by amending Section 300-5 entitled "Districts Designated", so as to add to the list of zoning districts within the City the following:

<u>Symbol</u>	<u>Name</u>
VPD**	View Preservation District

**\*\*Note:** The View Preservation District is an overlay district superimposed on identified areas of the other Zoning Districts. This overlay district is established to provide for the preservation and protection of scenic Hudson River views. The development and use of properties within the VPD shall comply with all provisions of this zoning law.

**Section 3 - Severability**

If any clause, sentence paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered or as determined by such judgment.

**Section 4 - Effective Date**

**This local law shall take effect immediately upon its filing with the Secretary of State.**

I, Nancy A. D'Addio, 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 8/10/98 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 17th day of Aug 1998

Nancy A. D'Addio  
City Clerk

**Appendix B**  
**Hudson Highlands Scenic Area of Statewide Significance**

## HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE

### HH-27 Dutchess Junction Subunit

#### I. Location

The Dutchess Junction subunit is located on the east side of the Hudson River, south of the City of Beacon. The eastern boundary of the subunit follows NY Route 9D north from benchmark 14 to its intersection with Grandview Avenue, for the most part a common boundary with the HH-26 Hudson Highlands State Park subunit. The northern boundary of the subunit runs from the northern shorelands of Denning Point to the Conrail tracks and along the Conrail tracks adjacent to the Fishkill Creek, following the coastal area boundary as amended by the City of Beacon, to the intersection of the tracks with Wolcott Avenue. The boundary then follows Wolcott Avenue to its intersection with Simmons Lane, which it follows to the property line of Lot #6054-13-036494 and onto the Craig House property. The boundary then follows an imaginary line through the Craig House property at a distance of 400 feet from the Fishkill Creek to South Avenue and along South Avenue to Grandview Avenue. The subunit includes the Hudson River, sharing a common boundary with the HH-28 Pollepel Island subunit adjacent to the eastern shorelands and extends across to high water mark on the western shorelands of the Hudson River. The subunit is approximately 3.5 miles long and between 0.25 and 1 mile wide. It is located in the City of Beacon and the Town of Fishkill, Dutchess County and in the City of Newburgh, the Towns of New Windsor and Cornwall and the Village of Cornwall-on-the-Hudson, Orange County. Consult the Hudson Highlands SASS map sheets, numbers 1 and 2 for subunit boundaries.

#### II. Scenic Components

##### A. Physical Character

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. The vegetation is a mix of wetlands, woodlands, meadows and orchards. The shoreline curves gently with a moderate variety of shoreline indentation and elevation. There is one large cove created by Denning Point, a low, wooded, sand peninsula. The Fishkill Creek, which features a short section of rapids, meets the Hudson River at the cove, creating a rich estuary of marsh, tidal flats, and shallows. Wade Brook and Gordon Brook cross the subunit.

##### B. Cultural Character

The subunit includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad. NY Route 9D, the Bear Mountain-Beacon Highway, runs along the eastern boundary of the subunit. The subunit features several parcels of the Hudson Highlands State Park, a scattering of residential development, a trailer park and one small hamlet center, Dutchess Junction. Located around the hamlet during the mid to late 19th century were a number of active brickworks. Denning Point was the site of successful brickyards, and a

derelict industrial building is a reminder of the point's industrial past. The former Hammond Brickyard lies between the railroad and the river, to the south of Denning Point.

The hamlet was once the junction of the Hudson River Railroad with the Dutchess and Columbia Railroad. The hamlet's historic settlement pattern can be seen in the farmland/woodland relationship, although the recent sprawling pattern of residential construction has modified this and detracts from the overall scenic quality of the area.

Dutchess Manor, a residence and carriage house built in 1889 and converted to a restaurant and residence, is listed on the State and National Registers of Historic Places. The two story Second Empire style brick house was part of the estate of Francis Timoney who owned the complex of brickworks in the area. Dutchess Manor is significant for its picturesque details and is one of the most architecturally distinguished residences of its type and period in the Hudson Highlands. Its association with one of the areas most prominent brick manufacturers, a significant local industry, adds further importance to Dutchess Manor.

Another significant building within the subunit is Tioronda, an impressive Gothic Revival villa. Originally built in 1859 as a residence, the building is now a sanitorium. Tioronda is eligible for listing on the State and National and State Registers of Historic Places. The building is significant for its mid-19th century estate architecture and as an example of the work of Frederick Clarke Withers.

The presence of wildlife provides ephemeral characteristics. Contrasts of an ephemeral nature are to be found in the subunit. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area.

The subunit is generally well maintained. Recent urban development and the railroad tracks are minor discordant features, although they are mostly screened within the landscape and do not detract from the scenic quality of the subunit.

#### C. Views

The subunit offers unobstructed views of the Hudson River and Fishkill Creek. Interior views are limited by vegetation and topography. Views from the Hudson River are of the low, wooded coastal shorelands; the gently rising uplands; Denning Point and the mouth of the Fishkill Creek. These features are set against the dramatic backdrop of the Hudson Highlands, notably the North and South Beacon Mountains, Sugarloaf Mountain and Breakneck Ridge in the adjacent HH-26 Hudson Highlands State Park subunit. Positive focal points include Denning Point, Bannerman's Castle on Pollepel Island, and distant views of the Newburgh-Beacon Bridge and Sugarloaf and Storm King Mountains. Views of the large, sprawling communities of Newburgh, New Windsor and Cornwall detract from the visual quality of views across the Hudson River.

### III. Uniqueness

The subunit is not unique.

### IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit restricts public accessibility to the Dutchess Junction subunit. The subunit is accessible from NY Route 9D, local roads, and the Hudson River and is visible from the passenger trains that run along the shoreline. The subunit is also visible from the uplands of the adjacent HH-26 Hudson Highlands State Park subunit; the Newburgh-Beacon Bridge to the north; from Newburgh, New Windsor and Cornwall; and from subunits on the western shorelands of the Hudson Highlands SASS, notably from the scenic overlook on NY Route 218, the Old Storm King Highway. Denning Point and the Hammond Brickyard site are part of the Hudson Highlands State Park and offer potential for informal access to the Hudson River.

### V. Public Recognition

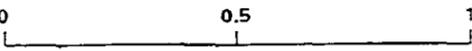
The Dutchess Junction subunit is recognized by the public as part of the northern gateway to the Hudson Highlands. The historical and architectural value of Dutchess Manor has been recognized through its listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State for its scenic and habitat values.

### VI. Reason for Inclusion

The Dutchess Junction subunit has high scenic quality. It features a variety in and contrast between many positive landscape components including rolling wooded upland, a low wooded point, the Fishkill Creek and its confluence with the Hudson River and a mix of vegetative cover. The subunit is unified by topography and woodland coverage. The subunit is accessible from local roads, and the Hudson River and is visible from surrounding subunits on both shores of the Hudson River. The subunit is recognized as part of the northern gateway to the Hudson Highlands SASS. The historical and architectural value of Dutchess Manor has been recognized through listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State in recognition of its access, scenic and habitat values. There are some minor discordant features in the subunit, but these are screened from view and do not impair the scenic quality of the subunit.

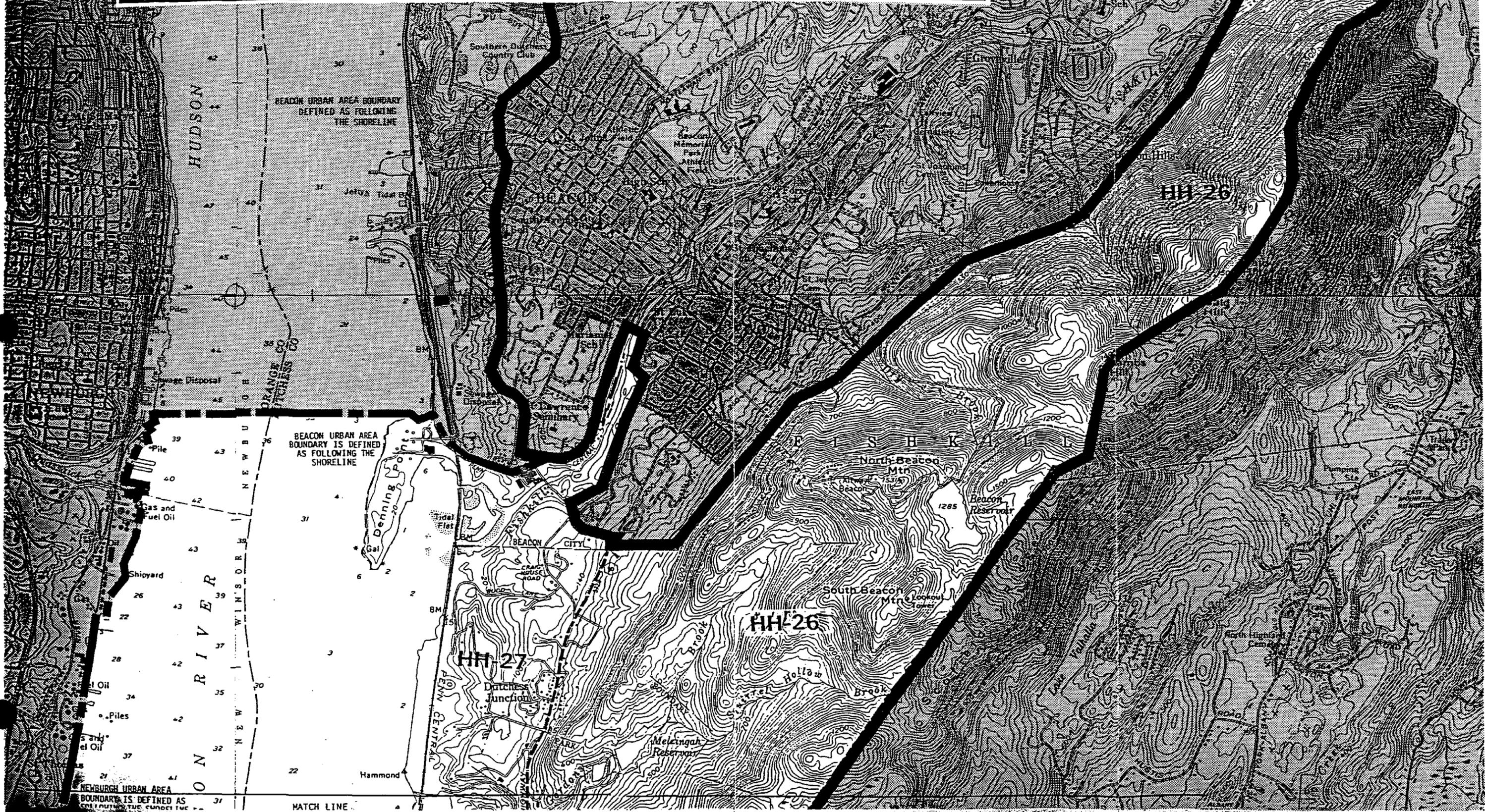
# HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1

**KEY:**  
 Coastal Area boundary  
 Scenic Area boundary  
 Subunit boundary  
**HH26** Subunit identifier

**SCALE:**  
  
 0 0.5 1  
 Miles

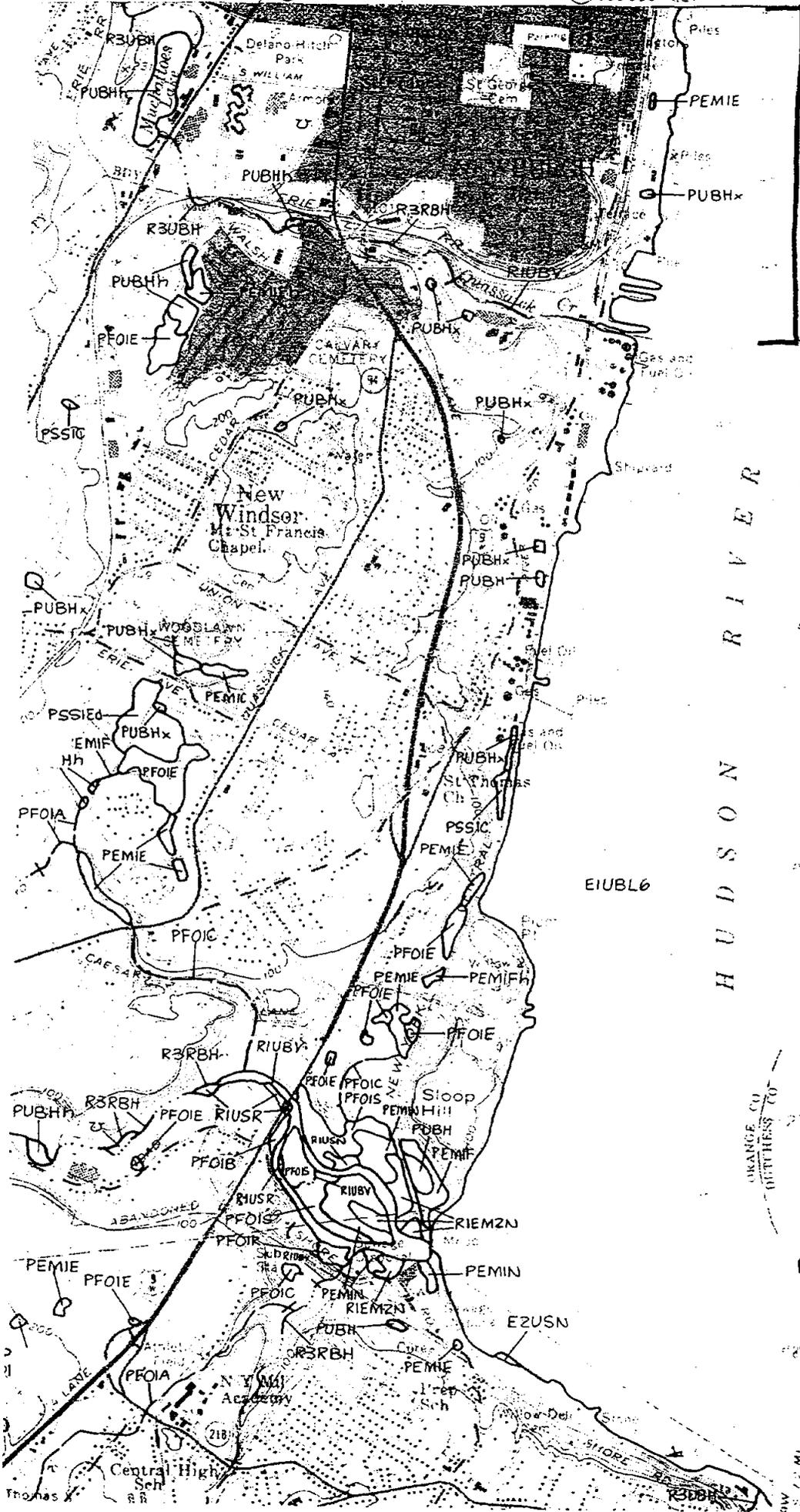


New York State Department of State, Division of Coastal Resources and Waterfront Revitalization  
 November 1992



**APPENDIX C**  
**National Wetland Inventory Quadrangle**

3-502 D-1  
PLATTEKILL 9.5 MI. KINGSTON 32 MI. FERRY 0.2 MI. 74°00'  
CRONOMER VALLEY 4.7 MI. HIGHLAND 17 MI. 590 000 FEET 41°30'



CITY OF NEWBURGH

H U D D S O N R I V E R

CORNWALL, N.Y.  
NW1 QUADRANGLE

FROM:  
U.S. Dept. of the  
Interior  
Fish & Wildlife Service  
1940

**APPENDIX D**  
**Historic Preservation Regulations**

**§ 300-36. Building height limit.**

The building height limit shall be two and one-half (2½) stories but not exceeding thirty-five (35) feet.

**§ 300-37. Lot area.**

Each two-family dwelling shall be located on a lot not less than seven thousand five hundred (7,500) square feet in area.

**§ 300-38. Yards.**

Each lot shall have front, side and rear yards with depths and widths of not less than the following:

- A. Front yard depth: twenty-five (25) feet.
- B. Each side yard width: five (5) feet.
- C. Rear yard depth: twenty (20) feet.
- D. Front yard width: fifty (50) feet.

**§ 300-39. Parking requirements.**

The parking requirement shall be one (1) off-street parking space for each dwelling unit. See Article XXI for further details.

ARTICLE VI  
Historic and Architectural Design Districts  
[Added 3-28-77]

**§ 300-40. Purpose and intent.**

The purpose of this Article is to provide for the promotion of the educational, cultural, economic and general welfare of the people of Newburgh through the protection, enhancement, perpetuation and preservation of various specific areas of the City of Newburgh, to be known as "Historic Districts" or "Architectural Design Districts." The Newburgh City Council declares that it is in the public interest to ensure that the distinctive and/or historic character of these Historic

and Architectural Design Districts shall not be injuriously affected, that the value to the community of those buildings, structures and areas having architectural and historic worth shall not be impaired and that said Historic and Architectural Design Districts be maintained and preserved to promote an awareness of the historical importance of Newburgh and the Mid-Hudson Valley and to contribute to the education and pleasure of the citizens of the City of Newburgh and others. The provisions of this Article shall apply in addition to those containing the district regulations described in this chapter.

§ 300-41. Definitions.

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

**ARCHITECTURAL DESIGN DISTRICT** — The area of the City of Newburgh specifically delineated on the Zoning Map in the Building Inspector's office of the City of Newburgh, New York, and which contains a substantial number of buildings of either unusual, unique, outstanding or otherwise noteworthy architectural design.

**COMMISSION** — The Architectural Review Commission of the City of Newburgh, New York.

↪ **DISTRICT** — Historic and/or Architectural Design District of the City of Newburgh, New York.

**EXTERIOR FEATURE** or **EXTERIOR ARCHITECTURAL FEATURE** — The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, including kind, color and texture of building materials, number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. "Exterior feature" shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other features visible from a public way, public property or any part of any public building.

**HISTORIC DISTRICT** — The area of the City of Newburgh, New York, specifically delineated on the Zoning Map in the

Building Inspector's office of the City of Newburgh, New York, which contains the larger portion of the historic buildings of the City of Newburgh.

§ 300-42. Review Commission.

- A. Creation; membership. [Amended 11-13-1990 by Ord. No. 29-90]
- (1) A Review Commission is hereby created, to consist of nine (9) members appointed by the City Manager, which shall include:
    - (a) The Chairman or any other member of the Planning Board.
    - (b) The Chairman or any other member of the Zoning Board of Appeals.
    - (c) The City Historian.
    - (d) One (1) registered architect.
    - (e) Five (5) other members, one (1) of which shall reside in affected area.
  - (2) Members will be appointed for three-year staggered terms. The Chairman of the Review Commission will be elected by a vote of the members of said Commission. The term of office of the Chairman will be one (1) year.
- B. Terms of office. The registered architect and the five (5) members at large shall initially be appointed for staggered one-, two- and three-year terms. Thereafter all such appointments shall be for terms of three (3) years.
- C. Chairman. The Chairman of the Review Commission shall be selected by its members at their first meeting in each calendar year.
- D. Vacancies. Vacancies occurring other than by expiration of term shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

- E. Meetings. Regular meetings shall be held on the second Tuesday of each month. Special meetings may be held at the option of the Chairman, with a minimum of five (5) days' notice to all other members.

§ 300-43. Powers and duties of Review Commission.

- A. The Review Commission shall exercise aesthetic judgment so as to maintain the architectural character of each Historic and Architectural Design District to prevent construction, reconstruction, alteration or demolition which would be out of harmony with the style, materials, colors, line and detail of buildings in the district constructed prior to 1900 or listed on or eligible for listing on the National Register of Historic Places or the State Register of Historic Places or listed on the local landmark register and thus to prevent degeneration of property, safeguard public health, prevent fires, promote safety and preserve the beauty and character of the district. [Amended 4-27-1992 by Ord. No. 6-92]
- B. The Review Commission shall act as an advisory board to review any application for variances and/or special permits in the district not previously presented to it for approval and shall present its recommendations to both the Zoning Board of Appeals and the Planning Board of the City of Newburgh.
- C. In addition to the aforementioned powers, the Review Commission shall have the power to:
- (1) Retain or employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist the Review Commission in carrying out its duties within the allocated budget approved by the City Council.
  - (2) Conduct surveys of buildings for the purpose of determining those of historic and/or architectural significance and pertinent facts about them and establish and maintain a local landmark register. [Amended 4-27-1992 by Ord. No. 6-92]

- (3) Formulate recommendations concerning the preparation of maps, brochures and historical markers for selected historic and/or architectural sites and buildings.
- (4) Cooperate with and advise the governing body, the Planning Board and other municipal agencies in matters involving historic and/or architectural sites and buildings.
- (5) Advise owners of historic buildings on problems of preservation and restoration.

§ 300-44. Standards.

- A. Features regulated. This Article shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical features, earthworks, paving, sidewalks and signs within the Historic and Architectural Design Districts. No changes in any exterior architectural feature, including but not limited to construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made in such districts except as hereinafter provided.
- B. Materials. All improvements must present a finished appearance similar to that given by building materials commonly employed in the 19th century or common to the style and period of the affected historic structure. These materials are generally of three (3) types: wood, stone or brick. No larger areas of polished metal, glass or aluminum siding will be allowed. [Amended 4-27-1992 by Ord. No. 6-92]
- C. Site design. In determining building setback for new construction, the Commission may require new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. However, no setback may be required which is greater than that required in the district.
- D. Landscaping and paving. Landscaping is deemed an important element of site development and may be required by the Commission as an integral part thereof.

- (1) Evergreen materials may be required for screening functions.
  - (2) Bluestone or slate laid in concrete are the only materials allowed for sidewalks. Curbs may only be constructed of slate or granite in an adequate foundation.
  - (3) Maintenance of plant material shall be the responsibility of the owner, including the responsibility to keep growth trimmed and trained to meet Commission's requirement.
- E. Parking. Parking areas shall be partially screened from public view with appropriate walls, fences or landscaping. The area allotted for the planting around parking lots shall be at least five percent (5%) of the amount allotted to the parking surface.

§ 300-45. Procedure.

- A. Certificate of approval. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building permits, no change in any exterior architectural feature in the district will be commenced without either a certificate of approval from the Review Commission or a letter of approval from the New York State Office of Parks, Recreation and Historic Preservation in cases where that office has jurisdiction, nor shall any building permits for such a change in features be issued without either a certificate of approval or a letter of approval having first been issued by either of the above mentioned agencies. The certificate or letter of approval required by this section shall be in addition to and not in lieu of any building permit that may be required by an ordinance, local law, code, rule or regulation of the City of Newburgh. [Amended 10-9-1990 by Ord. No. 28-90]
- B. Application for certificate. Application for a certification of approval shall be made in writing, in duplicate, upon forms prescribed by the Review Commission, to the Review Commission, and shall contain the following:

- (1) The name, address and telephone number of the applicant.
  - (2) The location of the building, structure or land and the exterior architectural features which are proposed to be changed.
  - (3) A detailed statement of the proposed change, demonstrating compliance with all applicable criteria.
  - (4) The elevations of the proposed change, if required.
  - (5) Perspective drawings, if required.
  - (6) Samples of proposed colors or materials to be used in the change.
  - (7) Where proposed change includes signs or lettering, a scale drawing showing types of lettering, all dimensions and colors, a description of materials to be used and method of illumination, if any, and a plan showing location on the building or property.
- C. Issuance of certificate. Within a reasonable time after an application is filed, but in all events within twenty (20) days (Saturdays, Sundays and legal holidays excluded) after such

(Cont'd on page 30047)

filing, or within such further time as the applicant in writing may allow, the Review Commission shall determine whether the proposed construction, reconstruction or alteration to the exterior architectural feature involved will be appropriate to the preservation of the district for the purposes of this Article and whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved but not affecting the district generally, failure to issue a certificate of appropriateness will involve a substantial and unreasonable hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent purpose of this Article. In passing upon appropriateness, the Review Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material, color and any other exterior architectural feature involved and the relationship thereof to the other exterior architectural features to the other structures and areas in the district.<sup>16</sup>

## ARTICLE VII

### G-1 Districts — Garden-Type Apartment Districts

#### § 300-46. Applicability.

The following regulations shall apply in all G-1 Districts.

#### § 300-47. Permitted principal uses.

Permitted principal uses shall be as follows:

- A. One-family dwellings.
- B. Garden apartments.

<sup>16</sup> Editor's Note: Former Sec. 24.57.1F(4), which immediately followed this section and dealt with penalties for offenses, was deleted at time of adoption of Code: see Ch. 1, General Provisions, Art. I.

**APPENDIX E**  
**Local Consistency Law**

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
City of NEWBURGH  
~~Town~~  
~~Village~~

DEPARTMENT OF STATE  
OCT 20 1997  
RECEIVED

Local Law No. 2 of the year 19 92.

A local law establishing The City of Newburgh Waterfront Consistency  
(Insert Title)  
Review Law.

Be it enacted by the CITY COUNCIL of the  
(Name of Legislative Body)

~~City~~  
City of NEWBURGH as follows:  
~~Town~~  
~~Village~~

that the Code of Ordinances of the City of Newburgh is hereby amended by the addition of a new chapter, to be numbered Chapter 296, and shall be entitled, CITY OF NEWBURGH WATERFRONT CONSISTENCY REVIEW LAW, and to read as follows:

(text follows on pages 2 through 8)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## GENERAL PROVISIONS

Section 296-1 Title

This local law will be known as Chapter 296 of the Code of Ordinances and shall be entitled The City of Newburgh Waterfront Consistency Review Law.

Section 296-2 Authority and Purpose:

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

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

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

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

Section 296-3 Definitions:

"Actions" mean either Type I or unlisted actions as defined in SEQRA regulations ( 6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
  - (a) are directly undertaken by an agency; or
  - (b) involve funding by an agency; or
  - (c) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

"Agency" means any board, agency, department, office, other body, or any officer of the City of Newburgh.

"Coastal Assessment Form (CAF)" means the form contained in Appendix A, used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

"Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

"Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedure making and policy making.

"Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the City of Newburgh, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Newburgh.

"Waterfront Advisory Committee" or "Committee" means the Waterfront Advisory Committee of the City of Newburgh, as created pursuant to this Chapter.

"Waterfront Area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within boundaries of the City of Newburgh, as shown on the Coastal Area map on file in the Office of the Secretary of State and as delineated in the City of Newburgh Local Waterfront Revitalization Program.

Section 296-4 Waterfront Advisory Committee

A. A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Newburgh." The Committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policy standards and conditions.

B. The City Council of the City of Newburgh is hereby authorized to appoint five (5) persons to said Committee, all of whom shall be residents of the City of Newburgh. Of the members of the Committee first appointed, one (1) shall hold office for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years from and after his/her appointment. Their successors shall be appointed for the term of three (3) years from and after the expiration of the terms of their predecessors in office. Vacancies shall be filled by the City Council by appointment for the unexpired term. Members may be removed by the City Council for cause and after public hearing.

C. The Committee shall annually appoint one (1) committee member to serve as chairperson of the Committee.

D. The Committee may employ such persons as may be needed as authorized by the City Council. This Committee shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.

E. The Committee shall serve without compensation and shall be charged with the duties as set forth in this Chapter.

Section 296-5 Review of Actions:

A. Whenever a proposed action is located in the City's Waterfront Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Section 7 herein.

B. Whenever a agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist the consistency of the proposed action.

C. The agency shall refer a copy of the completed CAF to the Committee within ten (10) days of its submission and prior to making its determination, shall consider the recommendation of the Committee with reference to the consistency of the proposed action.

D. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Section 7 herein. The Committee shall require the applicant to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendations.

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

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

In the event that the Committee recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee recommendation.

F. The agency shall make the determination of consistency based on the CAF, the Committee recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within thirty (30) days following receipt of the Committee recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter.

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

- (1) Revitalize deteriorated and underutilized waterfront areas (Policies 1, 1A, 1B, 1C, 1D, 1E).
- (2) Retain and promote commercial and recreational water-dependent uses (Policy 2).
- (3) Strengthen economic base of smaller harbor areas by encouraging traditional uses and activities. (Policies 4, 4A).
- (4) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
- (5) Streamline development permit procedures (Policy 6).
- (6) Protect significant and locally important fish and wildlife

habitats from human disruption and chemical contamination (Policy 7, 7A, 8, 8A).

- (7) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities. (Policies 9, 9A, 10).
- (8) Minimize flooding and erosion hazards through non-structural means, carefully-selected long-term structural measures and appropriate siting of structures (Policies 11, 11A, 12, 13, 14, 16, 17, 28).
- (9) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policies 18, 18A).
- (10) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 20, 20A, 21, 21A, 21B, 22, 22A).
- (11) Protect and restore historic and archeological resources (Policies 23, 23A).
- (12) Protect and upgrade scenic resources (Policy 25).
- (13) Site and construct energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29, 40).
- (14) Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).
- (15) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 33, 34, 35, 36, 36A, 37, 38).
- (16) Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 35).
- (17) Handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policies 39, 39A).
- (18) Protect air quality (Policies 41, 42, 43).
- (19) Protect freshwater wetlands (Policy 44).

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

- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
- (2) the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
- (3) the action will advance one or more of the other LWRP policy standards and conditions: and
- (4) the action will result in an overriding City, regional or state-wide public benefit.

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

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

Section 296-6 Enforcement:

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

Section 296-7 Violations:

A. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

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

Section 296-8 Severability:

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

Section 296-9 Effective Date:

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 92 of the ~~(County)~~(City)~~(Town)~~(Village) of Newburgh was duly passed by the City Council on April 27 1992, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after approval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Maureen A. Kaish*  
Clerk of the County legislative body, City, ~~X~~ ~~XXXXXX~~ Village Clerk  
or officer designated by local legislative body

(Seal)

Date: April 28, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*William M. K...*  
Signature

Corporation Counsel  
Title

~~X~~ ~~County~~  
City of Newburgh  
~~X~~ ~~Town~~  
~~X~~ ~~Village~~

Date: April 28, 1992

**APPENDIX F**  
**Zoning Summary**

**TWO-FAMILY RESIDENTIAL DISTRICT**

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height Stories	Max. Building Height (ft)
<b>R-2 Two-Family Residential District</b>								
One-family detached dwelling	P 7,500	50	100	15	10	20	2.5	35
One-family attached (duplex, townhome)	P 2,500**	25	100	10	0/10*	20	2.5	35
Two-family dwelling	P 5,000	50	100	15	10	20	2.5	35
Church and similar place of worship	P 7,500	75	100	30	30	30	2.5	35
School of general instruction	P 15,000	100	150	30	30	30	3	40
Public parks and playgrounds	P							
Customary home occupation and professional office acc. to one-family dwelling	SP;A 7,500	50	100	25	5	20	2.5	35
Community parking area	SP 5,000	50	100	5	5	10	n/a	n/a
Hair salon acc. to one or two-family dwelling	SP;A 5,000	50	100	15	10	20	2.5	35
Boardinghouse, rooming house	SP 7,500	50	100	15	10	20	2.5	35
Off-street parking	A							
Swimming pool acc. to residential use	A							
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use and do not include any activity commonly conducted as a business.	A							

Permitted Use  
 = Special Permit Use

A = Accessory  
 X = Prohibited

Notes:  
 \* - Where dwelling shares common wall, no side yard is required.  
 \*\* - Minimum lot area is per unit.

## MULTIPLE FAMILY DWELLING RESIDENTIAL DISTRICT

Use Type	Min.	Min.	Min.	Min.	Min.	Min.	Max.	
	Lot Area (ft)	Lot Width (ft)	Lot Depth (ft)	Front Yard (ft)	Side Yard Each (ft)	Rear Yard (ft)	Building Height Stories (ft)	
One-family detached	P 7,500	75	100	15	10	20	2.5	35
One-family attached (duplex, townhome)	P 2,500**	25	100	10	0/10*	20	2.5	35
Two-family dwelling	P 5,000	50	100	15	10	20	2.5	35
Three-family dwelling	P 5,000	50	100	10	0/10*	20	3	40
Garden apartments	P 1 ac.	150	100	25	25	25	2.5	35
Planned residential development	SP 1 ac.	150	100	25	25	25	2.5	35
Church and similar place of worship	P 7,500	75	100	30	30	30	2.5	35
School of general instruction	P 15,000	100	150	30	30	30	3	35
Public park, playground	P							
Hospital, rest home, adult assisted living	SP 80,000	200	200	50	25	50	3	40
Philanthropic, eleemosynary institution, similar uses	P 20,000	100	100	25	25	25	3	40
Customary home occupation and professional office acc. to a one-family dwelling	SP;A 7,500	50	100	25	5	20	2.5	35
Community parking area	SP 7,500	50	100	25	5	20	2.5	35
Hair salon acc. to one or two-family dwelling	SP;A 5,000	50	100	15	10	20	2.5	35
Off-street parking	A							
Swimming pool acc. to residential use	A							
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use and do not include any activity commonly conducted as a business.	A							

P = Permitted Use

A = Accessory

SP = Special Permit Use

X = Prohibited

\* - Where dwelling shares common wall, no side yard is required.

\*\* - Minimum lot area is per unit.

**R-4  
CIVIC CENTER  
RESIDENTIAL DISTRICT**

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height (Stories)	Max. Building Height (ft)
<b>R-4 Civic Center &amp; Residential District</b>								
One-family detached	P 7,500	75	100	15	10	20	2.5	35
One-family attached (duplex, townhome)	P 2,500**	25	100	10	0/10*	20	2.5	35
Two-family dwelling	P 5,000	50	100	15	10	20	2.5	35
Three-family dwelling	P 5,000	50	100	10	0/10	20	3	40
Church and similar place of worship	P 7,500	75	100	30	30	30	2.5	35
School of general instruction	P 15,000	100	150	30	30	30	3	35
Public park, playground	P							
Hospital, rest home	P 80,000	200	200	50	25	50	3	40
Philanthropic, eleemosynary institutions, similar uses.	P 20,000	100	100	25	25	25	3	40
Professional office	P 7,500	75	100	15	15	25	3	40
Governmental office	P 7,500	75	100	15	15	25	3	40
Library, museum, art and antique gallery	P 10,000	75	100	15	15	20	2.5	35
Daycare center, nursery school	SP 7,500	75	100	15	10	20	2.5	35
Bed and breakfast	SP 15,000	100	100	15	25	25	2.5	35
Customary home occupation and professional office acc. to a one-family dwelling	SP;A 7,500	50	100	25	5	20	2.5	35
Community parking area	SP 7,500	50	100	25	5	20	2.5	35
Beauty parlor acc. to one or two-family dwelling	SP;A 7,500	50	100	25	5	20	2.5	35
Off-street parking	A							
Swimming pool acc. to residential use	A							
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use and do not include any activity commonly conducted as a business.	A							

\* - Where dwelling shares common wall, no side yard is required.

\*\* - Minimum lot area is per unit.

P = Permitted Use

A = Accessory

SP = Special Permit Use

X = Prohibited

**HIGH DENSITY MULTIPLE DWELLING  
RESIDENTIAL DISTRICT**

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Building Height	
							Min. Stories	Max. (ft)
Apartment house	SP 80,000	200	200	35	35	35	6	60
Rest home, adult assisted living	SP 80,000	200	200	35	35	35	6	60
Off-street parking	A							
Indoor and outdoor recreation facilities	A							
Neighborhood retail; ground floor only	SP;A							
Personal service uses; ground floor only	SP;A							
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use and do not include any activity commonly conducted as a business.	A							

P = Permitted Use  
SP = Special Permit Use

A = Accessory  
X = Prohibited

NEIGHBORHOOD RETAIL RESIDENTIAL DISTRICT

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height Stories	Max. Building Height (ft)
<b>C-1</b>								
<b>Neighborhood Retail &amp; Residential District</b>								
One-family detached	P 7,500	75	100	15	10	20	2.5	35
One-family attached (duplex, townhome)	P 2,500**	25	100	10	0/10*	20	2.5	35
Two-family dwelling	P 5,000	50	100	15	10	20	2.5	35
Three-family dwelling (multiplex)	P 5,000	50	100	10	0/10	20	3	40
Church and similar place of worship	P 7,500	75		30	30	30	2.5	35
School of general instruction	P 15,000	100	150	30	30	30	3	35
Public park, playground	P							
Professional and business office	P 5,000	50	100	15	10	20	2.5	35
Personal service	P 5,000	50	100	15	10	20	2.5	35
Neighborhood retail	P 5,000	50	100	15	10	20	2.5	35
Deli, convenience store	P 5,000	50	100	15	10	20	2.5	35
Mixed residential/commercial use	P 2,500	25	100	10	0/5*	20	2.5	35
Daycare center, nursery school	SP 7,500	75	100	15	10	20	2.5	35
Community parking area	SP 7,500	50	100	25	5	20	2.5	35
Customary home occupation and professional office acc. to one-family dwelling	SP;A 7,500	75		25	5	20	2.5	35
Off-street parking	A							
Swimming pool acc. to one-family det. dwelling	A							
ther customary accessory uses and buildings, provided that such use is clearly incidental to the principal use.	A							

\* - Where dwelling shares common wall, no side yard is required.

\*\* - Minimum lot area is per unit.

P = Permitted Use

A = Accessory

SP = Special Permit Use

X = Prohibited



PLANNED COMMERCIAL DISTRICT

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height Stories	Max. Building Height (ft)
Shopping center	SP 20,000	100	150	10	15	20	2.5	35
Public park, playground	P							
Community parking area	P 5,000	50	100	5	5	10	3.5	40
Office	P 10,000	75	100	5	5	10	3.5	40
Personal service	P 10,000	75	100	5	5	10	3.5	40
Retail store	P 10,000	75	100	5	5	10	3.5	40
Liquor store	P 10,000	75	100	5	5	10	3.5	40
Grocery store	P 20,000	100	150	5	5	20	3.5	40
Bank	P 10,000	75	100	5	5	10	3.5	40
Restaurant	P 5,000	50	100	5	5	10	3.5	40
Fast food restaurant, w/ or w/o drive-through	P 5,000	50	100	0/5*	0/5**	10	3.5	40
Retail sale of automotive and truck tires	P 5,000	50	100	5	5	10	3.5	40
Telephone exchange	P 5,000	50	100	5	5	10	3.5	40
Drycleaning, provided cleaning agents are inflammable.	P 5,000	50	100	5	5	10	3.5	40
Laundry, hand or self-service	P 5,000	50	100	5	5	10	3.5	40
Technical and business school	P 10,000	100	100	5	5	10	3.5	40
Theater	SP 10,000	75	100	5	5	10	3.5	40
Funeral parlor	SP 10,000	75	100	5	5	10	3.5	40
Off-street parking	A							
Other customary accessory uses and buildings provided that such use is clearly incidental to the principal use.	A							

\* - Where dwelling shares common wall, no side yard is required.

P = Permitted Use  
 SP = Special Permit Use

A = Accessory  
 X = Prohibited

**TC-1**  
**TOURIST COMMERCIAL DISTRICT**

Use Type	Min.	Min.	Min.	Min.	Min.	Min.	Max.	
	Lot Area (ft)	Lot Width (ft)	Lot Depth (ft)	Front Yard (ft)	Side Yard Each (ft)	Rear Yard (ft)	Building Height Stories (ft)	
<b>TC-1</b>								
<b>Tourist Commercial District</b>								
One-family detached dwelling	P 7,500	50	100	15	10	20	2.5	35
One-family attached (duplex, townhome)	P 2,500**	25	100	15	0/10*	20	3	45
Two-family dwelling	P 5,000	50	100	15	10	20	2.5	35
Mixed use: residential on upper floors only***	P 2,500	25	100	15	0/5*	20	3	45
Professional and business office	P 2,500	25	100	15	0/5*	20	3	45
Governmental office	P 2,500	25	100	15	0/5*	20	3	45
Tourist-related retail use	P 2,500	25	100	15	0/5*	20	3	45
Church and similar place of worship	P 7,500	75	100	15	15	20	3	45
Places of assembly	SP 2,500	25	100	15	0/5*	20	3	45
Craft shop	SP 2,500	25	100	15	0/5*	20	3	45
Restaurant; bar	SP 2,500	25	100	15	0/5*	20	3	45
Fast food restaurant, without drive-through facility	SP 2,500	25	100	15	0/5*	20	3	45
Launderette	SP 2,500	25	100	15	0/5*	20	3	45
Conference center	SP 10,000	100	100	25	15	25	3	45
Hotel	SP 10,000	100	100	25	15	25	3	45
Swimming pools acc. to one-family det.	A							
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use.	A							
Gasoline & filling station, repair garage, automobile and truck sales area and use, car wash	X							
Adult use	X							
Amusement center	X							
Drycleaning	X							
Package liquor store	X							
Funeral parlor	X							
Theater	X							
Billiard or pool hall, bowling alley	X							

In the TC-1 District, residential uses are not permitted east of Washington Place and Colden Street.

\* - Where existing building shares common wall, no side yard is required. All other buildings require 5 foot side yard.

\*\* - Minimum lot area is per unit.

\*\*\* - One dwelling unit is permitted for each 1,000 square feet of gross floor area per upper story floor.

P = Permitted Use

A = Accessory

SP = Special Permit Use

X = Prohibited

**HEAVY COMMERCIAL/LIGHT INDUSTRIAL DISTRICT**

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height (ft)
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**I-1  
Heavy Commercial/Light Industrial District**

Light industry	P	20,000	100	150	20	15	25	3	40
Machine shop, steel fabricating	P	15,000	100	100	20	15	10	3	40
Distribution facility	P	20,000	100	150	20	15	25	3	40
Wholesale business	P	15,000	100	100	20	15	10	3	40
Storage building; warehouse	P	15,000	100	100	20	15	10	3	40
Repair garage, filling station	P	10,000	75	100	15	15	10	2	30
Automotive repair, painting, rebuilding, or reconditioning	P	15,000	100	100	15	15	15	2	30
Tire retreading or recapping	P	15,000	100	100	15	15	15	2	30
Automotive sales area or establishment	P	15,000	100	100	20	15	10	2	30
Veterinary, animal hospital, kennel	SP	15,000	100	100	20	15	15	2	30
Laundry and general cleaning	P	5,000	50	100	5	5	10	2	30
Contractor storage yard, excpt. concrete mixing	P	15,000	100	100	20	15	15	2	30
Retail sales of contractor equipment	P	15,000	100	100	20	15	10	2	30
Freight, truck yard or terminal	P	20,000	100	150	20	15	25	2	30
Fuel yard, including the storage of petroleum products less than 10,000 gallons	P	20,000	100	150	20	15	25	2	30
Lumbering or sheet metal shop	P	15,000	100	100	20	15	10	2	30
Small boat building, storage and sales	P	15,000	100	100	20	15	10	2	30
Stone monument works (employing less than five persons)	P	10,000	75	100	15	15	10	2	30
Adult uses	SP								
Off-street parking	A								
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use.									

P = Permitted Use  
SP = Special Permit Use

A = Accessory  
X = Prohibited

**WAREHOUSE/LIGHT INDUSTRIAL/DISTRIBUTION DISTRICT**

Use Type	Min.	Min.	Min.	Min.	Min.	Min.	Max.		
	Lot Area (ft)	Lot Width (ft)	Lot Depth (ft)	Front Yard (ft)	Side Yard Each (ft)	Rear Yard (ft)	Building Height Stories	(ft)	
Light industry	P 15,000	100	100	20	15	10	3	40	
Machine shop, steel fabricating	P 15,000	100	100	20	15	10	3	45	
Distribution facility	P 20,000	100	150	20	15	25	3	40	
Wholesale business	P 15,000	100	100	20	15	10	3	40	
Storage building, warehouse	P 15,000	100	100	20	15	10	3	40	
Contractor storage yard, excpt. concrete mixing	P 15,000	100	100	20	15	15	2	30	
Retail sales of contractor equipment	P 15,000	100	100	20	15	10	2	30	
Freight, truck yard or terminal	P 20,000	100	150	20	15	25	2	30	
Off-street parking	A								
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use.	A								

P = Permitted Use  
SP = Special Permit Use

A = Accessory  
X = Prohibited

**PO-1**  
**OFFICE AND MEDICAL TECHNOLOGY DISTRICT**

**PO-2**  
**OFFICE AND DISTRIBUTION DISTRICT**

Use	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height (Stories)	Max. Building Height (ft)
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**PO-1**  
**Office and Medical Technology**

Professional and business office	P	40,000	100	100	25	15	25	2.5	40
Medical technology service	P	40,000	100	100	25	15	25	2.5	40
Daycare center acc. to professional office	SP;A								
Off-street parking	A								
Other customary accessory uses and buildings provided that such use is clearly incidental to the principal use.	A								

**PO-2**  
**Office and Distribution District**

Professional and business office	P	40,000	100	100	25	15	25	2.5	40
Medical technology service	P	40,000	100	100	25	15	25	2.5	40
Warehouse	P	40,000	100	100	25	15	25	2.5	40
Distribution facility	P	40,000	100	100	25	15	25	2.5	40
Bank	P	10,000	75	100	25	15	20	2.5	35
Restaurant	SP	10,000	75	100	25	15	20	2.5	35
Off-street parking	A								
Other customary accessory uses and buildings provided that such use is clearly incidental to the principal use.	A								

P = Permitted Use  
SP = Special Permit Use

A = Accessory  
X = Prohibited

**WATERFRONT MIXED USE DISTRICT**

	Use Type - 1	Use Type - 2	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height Stories	Max. Building Height (ft)
<b>W-1</b>										
<b>Waterfront Mixed Use District</b>										
Yacht club, marina	P	P	10,000	75	100	15	15	20	2.5	35
Boat dock, slip, pier and wharves for yachts and pleasure boats	P	P	5,000	50	100	15	15	10	2.5	35
Boat building, storage, repair, sales, and services inc. offices, dockside equipment, and incidental accessory uses	P	P	10,000	75	100	15	15	20	2.5	35
Boat and marine engine sales and display, yacht broker and marine insurance broker	P	P	10,000	75	100	15	15	20	2.5	35
Boat rental	P	P	10,000	75	100	15	15	20	2.5	35
Boating, fishing, diving, and bathing supplies and equipment sales and rentals	P	P	5,000	50	100	15	15	10	2.5	35
Sail loft or ship's chandlery	P	P	10,000	75	100	15	15	20	2.5	35
Parks, aquariums, museums and libraries	P	P	10,000	75	100	15	15	20	2.5	35
Waterborne transportation terminals and passage ticket sales, providing parking lots for these uses shall not be located on any sites with river frontage.	P	P	10,000	75	100	15	15	20	2.5	35
Retail uses, no single store shall exceed 8,000 square feet.	SP	P	10,000	75	100	15	15	20	2.5	35
Restaurant	SP	P	10,000	75	100	15	15	20	2.5	35
Art and antique gallery	SP	P	10,000	75	100	15	15	20	2.5	35
Professional and business offices	SP	P	10,000	75	100	15	15	20	2.5	35
Adaptive reuse of existing building for residential use	SP	SP	40,000	100	100	25	25	20	3	40
Single family attached and multifamily dwellings	SP	SP	40,000	100	100	25	25	20	3	40
Fully enclosed storage	A	A								
Outdoor storage of operable boats	A	A								
Off-street parking	A	A								
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use.	A	A								

Use Type - 1 = Applies to lots having Hudson River frontage

Use Type - 2 = Applies to lots not having Hudson River frontage

P = Permitted Use

A = Accessory

SP = Special Permit Use

X = Prohibited

Refer also to Section 300-20 for additional standards.

**WATERFRONT INDUSTRIAL DISTRICT**

Use Type	Min. Lot Area (ft)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Yard (ft)	Min. Side Yard Each (ft)	Min. Rear Yard (ft)	Max. Building Height Stories	Max. Building Height (ft)	
<b>W-2</b>									
<b>Waterfront Industrial District</b>									
Boat building, storage, repair, sales, and services inc. offices, dockside equipment, and incidental accessory uses	P	7,500	50	100	25	10	20	2.5	35
Boat and marine engine sales and display, yacht broker and marine insurance broker	P	7,500	50	100	25	10	20	2.5	35
Boat rental	P	7,500	50	100	25	10	20	2.5	35
Boating, fishing, diving, and bathing supplies and equipment sales and rentals	P	7,500	50	100	25	10	20	2.5	35
Sail loft or ship's chandlery	P	7,500	50	100	25	10	20	2.5	35
Parks	P								
Municipal services	P								
Wholesale or retail trade of fish, provided that no processing occurs on-site.	SP	10,000	75	100	25	15	20	2.5	35
Water-dependent research, design and development laboratories	SP	10,000	75	100	25	15	20	2.5	35
Water dependent industrial use	SP	40,000	100	200	50	25	25	2.5	35
Passenger terminals	SP	10,000	75	100	15	15	20	2.5	35

- Outdoor storage of operable boats A
- Off-street parking facilities A
- Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use. A

P = Permitted Use                      A = Accessory  
 SP = Special Permit Use              X = Prohibited

**APPENDIX G**  
**Guidelines for Review of State and Federal Actions**

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Guidelines for Notification and Review of State Agency Actions  
Where Local Waterfront Revitalization Programs are in Effect

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. Action means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such

policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
  1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

#### IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

#### V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

PROCEDURAL GUIDELINES FOR COORDINATING  
NYS DEPARTMENT OF STATE (DOS) & LWRP  
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

#### FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.