

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

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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.¹⁶

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.

¹⁶ 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.