

**INTRODUCTORY LOCAL LAW # \_\_ OF 2021  
A LOCAL LAW AMENDING CHAPTER 185 ENTITLED  
“ZONING”  
OF THE CODE OF THE TOWN OF NEWBURGH  
AND THE ZONING MAP OF THE TOWN OF NEWBURGH  
TO ESTABLISH THE  
EAST COLDENHAM HAMLET (ECH)  
OVERLAY DISTRICT**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Establish the East Coldenham Hamlet Center (ECH) Overlay District”.

SECTION 2 – PURPOSE AND INTENT

The Town Board of the Town of Newburgh declares its intent to create an “East Coldenham Hamlet (ECH) Overlay District.” The establishment of hamlet design guidelines is recommended by the Town’s adopted Comprehensive Plan Update and the Town of Newburgh Design Guidelines address the design of hamlet areas and open space. The purpose of this local law is to implement that recommendation in the East Coldenham area of the Town, a gateway to the Town. The Town Board also declares its intent to modify the Town of Newburgh Zoning Map through the inclusion of the East Coldenham Hamlet Center Overlay District. The ECH Overlay District’s purpose is to provide primarily for focused business development to serve the adjacent hamlet and neighborhood areas and to allow for a creative mix of commercial and complementary residential uses. The allowance for residential uses is intended to foster the creation of places within the Town where one could walk from home to work to neighborhood businesses. In addition, the ECH overlay district is intended to allow for development that generates a low traffic impact. Finally, the site layout and related designs for development within the ECH overlay district should be in a manner that respects and enhances the traditional hamlet context of the proposed project within the specific ECH district location.

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Section 185-3 entitled “Definitions and word usage” is hereby amended by the addition of the following definitions:

“HAMLET MIXED USE CENTER –A group of ground floor stores, shops, offices, personal service stores or uses, health club or fitness facilities, restaurants, convenience stores, banks, day care centers and nursery schools for pre-school children and similar commercial establishments, including eating and drinking places, and second floor dwelling units developed or intended to be developed as a unit on one lot, which may be constructed as adjoining or neighboring buildings each of which shall have a footprint no greater than 16,000 square feet and which shall have associated facilities for off-street parking, loading and pedestrian circulation. A Hamlet Mixed Use Center shall be

designed to be operated and maintained as an integrated and unified configuration of buildings and uses, in single ownership and/or control, sharing certain facilities in common, such as open space, yards, roads and off-street parking.”

“HAMLET BONUS HOUSING – Multiple dwellings allowed to be designed and constructed in conjunction with Hamlet Mixed Use Centers in certain circumstances where park or recreation lands are offered to be dedicated.”

2. Section 185-4 entitled “Establishment of districts” is hereby amended to read as follows:

“§ 185-4. Establishment of districts.

The Town of Newburgh is hereby divided into the following eight basic zoning districts and seven overlay districts:

RR	Reservoir Residence District
AR	Agricultural Residence District
R-1	Residence District
R-2	Residence District
R-3	Residence District
B	Business District
IB	Interchange Business District
I	Industrial Business District

Overlay Districts

A	Airport
O	Professional Office Overlay
E	Education Facility Overlay District
ECH	East Coldenham Hamlet Center Overlay District
MT	Marina Townhome Overlay District
LHI	Light and Heavy Industrial Equipment and Recreational Vehicle Sales, Service and Repair Overlay District
SC	Route 9W Self-Storage Center Overlay District”

1. Section 185-5 entitled “Zoning Map” is hereby amended to read as follows:

“§ 185-5. Zoning Map.

The boundaries of said districts hereby established are shown on the August 19, 1974, Zoning Map, Town of Newburgh, last amended by the Zoning Map dated February, 2022, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. The exact location of each zoning district boundary is recorded on an Official Zoning Map in the office of the Town Clerk in accordance with § 264 of Town Law.

2. Section 185-8, entitled "Overlay Districts" is hereby amended by the addition of a new Paragraph H to read as follows:

"H. East Coldenham Hamlet Center Overlay District. There is hereby established an East Coldenham Hamlet Center Overlay District. The overlay district, designated on the Zoning Map by an "ECH", is an overlay of certain areas of the R-1, Residence District, and the B, Business District. Hamlet Mixed Use Centers and, in certain circumstances, Hamlet Bonus Housing, are permitted subject to site plan review by the Planning Board in the ECH overlay district subject to certain conditions and restrictions set forth in §185-48B(3). The ECH Overlay District's purpose is to provide primarily for focused business development to serve adjacent hamlet and residential neighborhood areas and to allow for a creative mix of commercial and complementary residential uses. The allowance for multiple residential use is intended to foster the creation of places within the Town where one could walk from home to work to neighborhood businesses. In addition, the ECH overlay district is intended to allow for development that generates a lower traffic impact. Finally, the site layout and related designs for development within the ECH overlay district should be in a manner that respects and enhances the traditional hamlet context of the proposed project within the specific ECH overlay district location.

3. A new Schedule to be designated as "Town of Newburgh Schedule of Use and Bulk Requirements ECH District--Schedule 7C" as referenced by Article IV entitled "Schedule of District Regulations" including §185-9 entitled "Establishment", §185-10 entitled "Utilization of Use Table" and §185-11 entitled "Utilization of Bulk Table" shall be added to Chapter 185 to read as follows:

**"Town of Newburgh  
Schedule 7C  
Table of Use and Bulk Regulations  
ECH District**

A.	B.	C.	D.
Accessory Uses	Permitted With	Permitted Uses	Uses Subject to Site Plan Review by the Planning Board
1. Off street parking as required by the principal use	D1,D2		
2. Signs in Accordance with §185-14	D1, D2		1. Hamlet Mixed Use Center in accordance with §185-48.9
3. Electric Vehicle Charging Stations for Level 1 slow charging operating on a 15 to 20 amp breaker on a 120 volt AC circuit and for Level 2	D1, D2		

<p>medium charging operating on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit and reserved parking spaces which may be counted toward satisfying the minimum number of required off-street parking spaces</p> <p>4.</p> <p>5.</p>	
	<p>2.Hamlet Bonus Housing in accordance with §185-48.9 on the same site and in conjunction with a Hamlet Mixed Center Use</p>

Minimum Required								Maximum Permitted			
Lot Area (acres)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (feet)	Dwelling Units Per Acre	Lot Building Coverage (Percent)	Building Height (feet)	Lot Surface Coverage (Percent)
10	300	300	60	60	50	100	1,000	N/A	25	35	50

4. A new Section 185-48.9 entitled “Hamlet Centers” is hereby added to Article VI entitled “Supplementary Regulations Applicable to Certain Uses” of Chapter 185 to read as follows:

“§185-48.9 Hamlet Centers

A. Residential Density. In the ECH Overlay District, the Planning Board may allow residential densities as follows:

1. Second floor dwelling units in Hamlet Mixed Use Centers: 1 unit per 1,250 square feet of total building footprint area.
2. If parkland or recreational open space totaling 10 acres or more of contiguous land area is offered to be dedicated to the Town from the site of a Hamlet Mixed Use Center and the Town Board has notified the Planning Board it will accept the dedication, then Hamlet Bonus Housing at the ratio of 4.5 units per acre of Usable Area of the dedicated park or recreational open space land is allowable. In no other circumstances is Hamlet Bonus Housing allowed. In no event shall the total number of Hamlet Bonus Housing dwelling units permitted with a Hamlet Mixed Use Center exceed 40 dwelling units, notwithstanding the dedication of a larger Usable Area which would allow more units based on the ratio above.

3. When Hamlet Bonus Housing is allowable, applicants may transfer up to 10% of either the total allowed second floor dwelling units or Hamlet Bonus Housing units to the other category. An applicant may accordingly propose that the total number of second floor dwelling units be increased and the total number of Hamlet Bonus Housing units decreased by a number of units equaling at most 10% of the total allowed number of Hamlet Bonus Housing units or vice versa.

B. Signs. For purposes of determining allowable signs, Hamlet Mixed Use Centers shall be treated the same as mini-malls and Hamlet Bonus Housing as a multiple-family development.

C. Site Design. The design standards of this Section are intended to guide the Planning Board in its review of projects within the ECH District and to further supplement the Town of Newburgh Design Guidelines regarding hamlets. It is the intent of these standards to provide the Planning Board and applicants with a framework as to favored forms and principles of site design. The Planning Board may modify or waive the standards set forth in Subsections E, F, G, I, J, K, L, M, N, O and P of this Section if it finds the waiver improves project design and does not jeopardize the intent of this Section or if the site features do not allow for total compliance and the Planning Board finds that such waiver or modification will further the protection of the general welfare, protect individual property rights, and ensure that the site will meet the intent and purposes of this code.

D. Buffers and screening. Hamlet Mixed Use centers shall not be subject to additional vegetative screening buffer requirements from State and County highways contained in §185-21(B)(5), but Hamlet Bonus Housing will be subject to that requirement. The uses shall otherwise comply with buffer and screening requirements contained in Section 185-21 as are applicable to uses in the B District.

E. Off-street parking and loading facilities. Given the mix of permitted residential and commercial uses that will be contained in a Hamlet Mixed Use Center, the Planning Board is granted authority to reduce the total minimum number of off-street parking spaces and loading facilities that would be required if the minimum number was to be calculated by adding the minimum number for each proposed use under §185-13, at its discretion. Electrical capacity may be provided in new parking areas to accommodate the future hardware installation of Electric Vehicle Charging Stations for Level 2 medium charging operating on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit so that at least 2% of the total parking spaces are prepared for such stations .

F. Drive-through windows shall be in the side or rear yard only.

G. Storage, loading and docking areas, dumpsters, mechanical equipment utility boxes and other uses shall be to the rear of the building and screened from the road and adjacent neighboring parcels. Acceptable screening shall be landscaping, fencing and other design treatments compatible with the principal structure's finish. The Planning Board may allow side or front yard loading, or side yard storage, based upon the following considerations: type of business; adjacent uses; traffic and pedestrian circulation; aesthetics and pedestrian accessibility.

H. No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Newburgh or its agent.

I. Building Architectural Design Standards and amenities.

1. Façade Treatment and Fenestration – Fenestration refers to the fluctuations of depth (such as doorway) and openings (windows) on a façade.

(i) Buildings shall be oriented to front and relate to public streets to the greatest extent possible. The main entry shall be on the front of the building. Entrances to the building should be architecturally defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porches, overhangs, railings, balustrades, and others where appropriate.

(ii) Buildings shall generally relate in design features and scale to the adjacent buildings. As a general rule, a continuity of treatment should be made by subtly maintaining the building scale or by graduating changes, front yard setbacks at the build to line, by continuous use of front porches on residential buildings, by extending horizontal lines of fenestration, and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

(iii) Buildings should be designed to enhance and contribute to the surrounding area, rather than detract from it. Utilizing similar building massing, scale, colors and architectural feature will ensure compatibility with surroundings. An architectural treatment should continue from front façade to all visible sides of building.

(iv) Overall façade composition should break the building down into distinct segments to communicate a pedestrian oriented scale. First floors shall be integrally designed with second floors, including vertically aligning upper floor windows with windows and doors on the first floor.

(v) Balconies, bay windows and cornice features, and open porches are encouraged.

J. Building Height and Massing: Building height of the Hamlet Mixed Use Center but not the Hamlet Bonus Housing may be increased, upon determination by the Planning Board, from the maximum 35 feet to a maximum of 45 feet for non-occupied spaces, such as awnings, spires and peaked rooflines.

(1) Buildings shall avoid long uninterrupted stretches of wall or roof plane. Building wall offsets including projections, recesses and changes in floor level shall be used in order to provide architectural interest and variety to the massing of the buildings.

- (2) Roof Design. Pitched hip and gable roofs are generally encouraged. Pitched roofs shall contain safety measures such as overhangs to ensure safety from falling ice, snow, or rain. Roof-line off-sets shall be provided, in order to provide architectural interest and variety to the massing of the building, and to relieve the visual effect of a single long roof. Architectural embellishments such as dormers, cupolas, masonry chimneys and clock towers are encouraged for visual interest. Flat roofs incorporating a parapet are encouraged for buildings two stories and higher. Mansard roofs are generally discouraged.
- i. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties utilizing walls, fencing, roof elements or landscaping.
- (3) Lighting. All lights, whether pole or building mounted, shall be shielded such that light is adequately directed away from off-site areas. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low pressure sodium, fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and hardware should be inconspicuous.
- (4) Materials and Colors. All materials, colors and architectural details used on the exterior of a building shall be compatible with the building's style, and with each other. Exterior materials shall be of a traditional high quality nature that will assure long lasting durability and low maintenance.
- i. Preferred façade material:  
Red Brick  
Wood  
Architectural masonry units  
Natural fieldstone, veneer, or cast stone  
Siding of high quality (including cement board) that simulates well a natural material  
Contemporary materials such as glass, concrete are permitted if overall color, texture and material reflects context of the surrounding area.
- ii. Strongly discouraged materials:  
Plain vinyl or metal siding  
Imitation stone, plastic, resin products of lower quality  
High-intensity colors, metallic colors, black, or florescent colors shall not be permitted

- iii. Trim materials should consist of finish-grade or stained wood. Bare, lumber grade wood is strongly discouraged. Windows should have anodized aluminum or a wood frame, not consist of a bare aluminum frame.
5. Awnings and canopies, fixed or retractable are encouraged at ground floor level if designed as an integral part of the façade. Canvas is the preferred materials, although the other water-proofed fabrics may be used. Metal or aluminum awnings are prohibited.

K. Pedestrian and bicycle access.

1. Sidewalks or a place for future installation of sidewalks shall be reserved within the front yard. Sidewalks shall be placed to safely separate pedestrians from vehicular traffic. As the East Coldenham School is a unifying element of the existing hamlet area, provision should be made for connection of sidewalks to the intersection on Route 17K with the school. Walking trails should also be incorporated in plans to connect different parts of the ECH District and existing hamlet.
2. To accommodate pedestrian and bicycle access, pedestrian resting spots such as benches, low lying walls should be incorporated into a site's development. Bike racks should be provided within accessible, visible locations to serve bicyclist traffic within the hamlet area.

L. Hamlet center streetscape landscaping.

1. In light of the gateway location of the ECH District, entry roads or driveways from Route 17K should be distinguished with a gateway treatment such a fieldstone posts and special signage as recommended by the Design Guidelines
2. Street tree landscaping shall be provided along both sides of driveways, unless there is an alley proposed that in the Planning Board's judgment should be provided with a lesser standard for street trees, including no street trees at all.
2. There should be one shade tree (minimum of three-inch caliper at four feet in height) provided per every 30 linear feet to 35 linear feet of street and driveway frontage. Existing street trees that are judged to be healthy or otherwise deserving of protection should be preserved to the maximum extent possible.
- 3 Street trees should be tolerant of salt and sand deposited with snow removal and drought tolerant, should cast moderate shade in summer, and should be of a type that branches at least eight feet above ground level.



- M. Fencing and walls.
1. The design of fences and walls should be compatible with the architecture of the principal building(s) and should use similar materials.
  2. All fences or walls 50 feet in length or longer and four feet in height or taller should be designed to minimize visual monotony by changing the plane, height, material, texture, or significant landscape massing.
  3. Chain link fencing is discouraged.
- N. Public spaces. Public spaces provide a valuable contribution reflecting a sense of community and providing formal and informal gathering places for residents and visitors.
1. Public space is strongly encouraged as an element of site design and can include plazas, courtyards, walkways, and other amenities such as seating, ornamental fountains, lighting and gardens. Landscaping should include trees, shrubs, perennials and annuals. Native species are encouraged. Public space should be constructed on the side of a building which receives the most sunlight. Benches should be placed under trees to provide shaded areas for those utilizing the space.
  2. Incorporation of works of art into the public spaces, exterior façade, or entrance lobbies is encouraged.
- O. Outdoor dining. Outdoor dining is defined as a dining area with seating and tables located outside of a restaurant, eating and drinking establishment or other food service related facility where all food and beverages are prepared within the establishment.
1. A restaurant, eating and drinking establishment, or other food service related use shall be permitted to operate outdoor dining provided that pedestrian circulation and access to the entrances is not impeded. The number and location of tables shall be compliant with maximum occupancy and aisle width standards within the New York State Uniform Fire Prevention and Building Code.
  2. Planters, posts with ropes or other removable enclosures are recommended and shall be used as a way of defining the occupied dining area. The operators of occupied dining area shall be responsible for a continuously maintained, litter free and well kept appearance.
- P. Sidewalk displays. Sidewalk displays are permitted directly in front of a retail establishment provided that the display is associated with the retail operation, at least five feet of clearance is maintained at the storefront entrance, that the display is located against the building wall no more than three feet, and that less than 75 percent of the building storefront is

occupied with any display. The display area shall maintain a clean, uncluttered look at all times. The display shall be allowed during normal business hours with removal at the end of each day.”

#### SECTION 4 – AMENDMENT TO THE ZONING MAP

The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-4, is hereby amended to add the East Coldenham Hamlet Center (EMH) Overlay Zoning District, the boundaries of which include the following tax parcels , as shown on the amended Zoning Map which accompanies and which with all explanatory material thereon is hereby adopted and made part of this Local Law:

**SBL# 89-1-1.22**

**SBL# 89-1-27**

**SBL# 89-1-28**

**SBL# 89-1-29**

**SBL# 89-1-30.1**

**SBL# 89-1-30.2**

**SBL# 90-1-2**

**SBL# 90-6-1**

#### SECTION 5 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

#### SECTION 6 – EFFECTIVE DATE

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