

6. (7:00 p.m.) **SECOND PUBLIC HEARING FOR COMPREHENSIVE PLAN and REOPENING OF PUBLIC HEARING: ZONING MAP LOCAL LAW AMENDMENTS**
 - A. **84 Realty LLC: Parcel at Patton Road and South Plank Road B (Business) to R-2 (Residential)**
 - B. **Parke Lane at Newburgh LLC: Parcel near Stewart Avenue and I-84: IB (Interchange Business) to R3 (Residential)**

The first public hearing was held on September 19, 2011 and the minutes are posted on the Town Website.

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INTRODUCTORY LOCAL LAW #__ OF 2011
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 REZONE
TWO LOTS
NEAR STEWART AVENUE AND INTERSTATE 84
FROM IB TO THE ADJACENT R-3 ZONING DISTRICT

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 Rezone Two Lots Near Stewart Avenue and Interstate 84 from IB to the Adjacent R-3 Zoning District."

SECTION 2 - PURPOSE

The purpose of this local law is to rezone two certain parcels of land located near Stewart Avenue from the IB (Interchange Business) Zoning District to the adjacent R-3 (Residential) Zoning District.

The rezoning will encompass approximately 18 acres of land in the aggregate. The area is comprised of two adjoining lots, one of which is bounded to the north by the right of way for Interstate 84 and the entry ramp from Route 300/Union Avenue to that highway. The nearest street affording access to the parcels is Stewart Avenue. Although the parcels do not have frontage on this street, the owner owns an adjoining parcel with frontage on Stewart Avenue which will provide access. The R-3 zoning will be consistent with the Town of Newburgh's adopted Comprehensive Plan, as amended. Parke Lane at Newburgh, LLC, pursuant to a proxy from the owner of the two lots, has petitioned for the change in zoning.

SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP

1. 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 185-5, as last amended by Local Law No. __ of 2011, is hereby amended to change the Zoning District from IB to R-3 for the following properties:

- Tax Map Section 97 Block 1 Lot 5
- Tax Map Section 97 Block 1 Lot 6

2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk

SECTION 4 - REPEAL All ordinances and local laws and any parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law 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 of this local law or the application thereof, 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 of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision 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.

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**INTRODUCTORY LOCAL LAW #__ OF 2011
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 REZONE
PROPERTY
BOUNDED BY PATTON ROAD AND SOUTH PLANK ROAD (NYS ROUTE 52)
FROM B TO THE ADJACENT R-2 ZONING DISTRICT**

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 Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District."

SECTION 2 - PURPOSE

The purpose of this local law is to rezone a certain lot located at the intersection of Patton Road and South Plank Road (New York State Route 52) from the B (Business) Zoning District to the adjacent R-2 (Residential) Zoning District.

The rezoning will encompass approximately 9.4 acres of land. The area is comprised of a property which is situated on both the north and south sides of Patton Road at its intersection with South Plank Road (New York State Route 52). The R-2 zoning will be consistent with the Town of Newburgh's adopted Comprehensive Plan, as amended. The owner of the property, 84 Realty, LLC, has applied for the change in zoning.

SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP

1. 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 185-5, as last amended by Local Law No. 8 of 2009, is hereby amended to change the Zoning District from IB to R-2 for the following property:

Tax Map Section 47 Block 1 Lot 44

2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk.

3. The Amendment to the Zoning Map is adopted upon condition that the property be used for single family residences consistent with the character of the adjoining residential neighborhood, as represented in the owner's application for the amendment.

SECTION 4 - REPEAL All ordinances and local laws and any parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law 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 of this local law or the application thereof, 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 of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

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