

Topic:	Environmental Compliance; Steep Slope Protection; Wetlands & Watercourse Protection; Local Environmental Law Regulations
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	City of Newburgh
Year (adopted, written, etc.):	Unknown
Community Type – applicable to:	Urban; Suburban
Title:	City of Newburgh Environmental Constraints Ordinance
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Abstract

This law limits the areas within the City of Newburgh, NY in which construction can take place, as a means of protecting environmentally sensitive areas. Particularly, this law places restrictions on construction in wetland and watercourse areas, as well as steep slope areas.

Resource

City of Newburgh NY Environmental Constraints
Code of the City of Newburgh NY
Chapter 300: Zoning
Article III: Supplementary Bulk Regulations
General Code

§ 300-16. Environmental constraints.

In order to limit construction in areas with sensitive environmental features, the following requirements shall apply in all zoning districts:

- A. Utility rights-of-way and designated streets. Not more than 50% of any land within easements or rights-of-way for overhead utilities (69 kv or greater) or within a designated street line shall be counted as part of any minimum lot area requirement. No building, structure, yard or land proposed for prolonged habitual human occupancy shall be located within an easement; however, a road may traverse the easement.
- B. Land under water (applicable prior to development). Not more than 50% of the area of that portion of a lot that is proposed to be disturbed may be counted as part of any lot

area if subject to the following: ponds; freshwater wetlands regulated by the Army Corps of Engineers; streams; areas within the Federal Emergency Management Agency designated one-hundred-year floodplain; or that portion of any freshwater wetland and any one-hundred-foot control area designated by the New York State Department of Environmental Conservation.

C. Steep slopes (applicable prior to development).

(1) Not more than 50% of the land area of that portion of each lot that is proposed to be disturbed may be counted as part of any lot area if subject to the following:

(a) For residentially zoned properties, slopes over 30%.

(b) For nonresidentially zoned properties, slopes over 20%.

(2) No construction shall be permitted on that portion of a lot with a slope in excess of 40%.

(3) No portion of the land area of that portion of a lot with a slope in excess of 50% may be counted as part of the minimum lot area of a parcel.

D. Rock outcrops (applicable prior to development). Not more than 50% of the area of that portion of a lot that is proposed to be disturbed with rock outcrops in excess of 50 square feet may be counted as part of the lot area of a parcel.