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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Newburgh ZBA

Applicant: Chen Group LLC/Xiang Zhen Chen

Project Name: none provided

Proposed Action: Use Variance for reinstatement of residential use in existing mixed-use building

Reason for County Review: Within 500 feet of NYS Route 32

Date of Full Statement: October 3, 2016

Referral ID #: NBT 36-16M

Tax Map #: 75-1-8

Local File #: 2585-16

Comments:

The Department has received the above referenced use variance. The application states that the apartment above the restaurant is existing and legally permitted, and that the use variance is necessary only to improve and occupy the apartment. The Town of Newburgh Building Department has no record of a legal, permitted apartment at this location or in the existing restaurant building. While the Department remains supportive of mixed use buildings and of second-floor apartments above retail and office uses, we advise the Town that the use variance "balancing test" questions answered by the applicant for this application should be revisited.

County Recommendation: Local Determination

Date: October 7, 2016; revised October 18, 2016

Prepared by: Megan Tennermann, AICP, Planner



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.