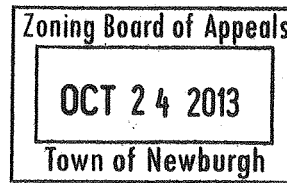


ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

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**County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-1, m, &n**

Local Referring Board: Town of Newburgh Zoning Board

Referral ID #: NBT37-13M

Applicant: CRH Realty VIII, LLC

Tax Map #: 97-3-6, 7, 8 &
26

Proposed Action: Area variance related to maximum allowed building height with relation to a mechanical roof screen and the central lobby roof.

Local File #: N/A

Reason for County Review: The real property parcels involved in the proposed action are within 500 feet of NYS Route 300.

Date of Full Statement: October 15, 2013

Comments:

County Planning is in receipt of the GML §239 referral for the above referenced Local Law. Based upon our review of the submitted materials, our office has found no evidence that significant inter-municipal or county-wide impacts would result from approval of the Area Variance. Please note for the future that it is of the opinion of the County Attorney's office that such interpretations are not a mandatory referable action under to GML process. However, we appreciate this referral and are willing to continue to review future actions to provide comments. County Planning will expect to comment specifically on the site plan and other next actions when referred to us under the GML process.

Because this Area Variance is expected to be an early action leading to additional referrals and to fuller review of a commercial development on site, we need to make the Applicant and the Town aware of the very high site sensitivity to Washington Lake. This site currently drains immediately to Washington Lake, a surface water drinking reservoir owned and operated by the City of Newburgh. Consistent with the County Comprehensive Plan and the County Water Master Plan, both adopted by the County Legislature, source water supply protection is of highest importance.

The County is actively involved in at least two relevant regional initiatives. First, the Planning Department in coordination with the City and Town of Newburgh, Town of New Windsor, Town of Plattekill, Ulster County Planning Department, and the NYS Department of State are in the process of finalizing a Watershed Management Plan for the Quassaick Creek, which includes Washington Lake.

Second, this Department with the Orange County Water Authority, NYC Department of Environmental Protection, the towns of Newburgh and New Windsor, and the City of Newburgh are also completing a facility plan for interconnection and the sharing of water supply to address predictable demand and to define alternative supplies when NYC aqueduct water is unavailable. With both these projects, absolute protection of current water supply sources, such as Washington Lake, is an essential element.

Therefore, any development related to this site requires detailed review in order to avoid or limit all potential impacts on Washington Lake, a vital drinking water supply in immediate proximity. We advise the Town to begin preparing the Applicant for assurance that this water supply will be absolutely not impacted by site development.

Information on the Watershed Plan or the NE Orange Water Supply project can be viewed and/or downloaded from the Orange County Water Authority website:

<http://waterauthority.orangecountygov.com>

Additionally, County Planning recommends that the Applicant be prepared to refer the site plans and appropriate documentation to the City's Planning Department and Engineer for review.

County Recommendation: Local Determination

Date: October 23, 2013

Prepared by: Chad M. Wade, R.L.A.
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.