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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: Cumberland Farms, Inc.

Project Name: none provided

Proposed Action: Area Variances for height, side yard setback and two front yard setbacks for fueling station canopy, front yard setback for sign, maximum area of signage for all onsite signage, and reduced parking requirements

Reason for County Review: Within 500 feet of NYS Route 17K and County Route 23 (Rock Cut Rd)

Date of Full Statement: June 2, 2016

Referral ID #: NBT 19-16M

Tax Map #: 86-1-14 and 15

Local File #: Plng Bd Refl

Comments:


The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

We note that the proposed project is substantially larger than the existing development onsite. While the proposed lot consolidation and development configuration will assist with the current development crowding conditions at this intersection, crowding will still occur. We advise the ZBA to review the application to determine whether the variances can be decreased in magnitude—if, for instance, the canopy can be lowered or moved further back from the intersection, or if the onsite signage can be decreased in size. Given all the area variances needed, perhaps the scale of the project is too large for the intended site. We look forward to reviewing this project upon its referral from the Planning Board.

County Recommendation: Local Determination

Date: June 15, 2016

Prepared by: Megan Tennermann, AICP, Planner



for 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.