



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. Church, AICP  
Commissioner

www.orangecountygov.com/planning  
planning@orangecountygov.com

### 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:** Christine Dalton

**Project Name:** none provided

**Proposed Action:** Area Variance for pool in front yard setback

**Reason for County Review:** Within 500 feet of NYS Route 300 and the Orange/Ulster County border

**Date of Full Statement:** June 6, 2016

**Referral ID #:** NBT 20-16M

**Tax Map #:** 107-1-20.1

**Local File #:** 2573-16

#### 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 requirement for pools to be located elsewhere than front yards seems to be a safety concern; pools are an attractive nuisance for young children. In this instance, we note that the pool is located at least 50' from Route 300, that the parcel is designed in such a way that there is no side or rear yard, and that the pool location is well screened from Route 300 by existing vegetation. While this is not a site plan review, the ZBA could potentially recommend that this applicant maintain safety precautions surrounding the pool by adding vegetative screening to the fencing and other safety measures required by the Building Department.

**County Recommendation:**

**Local Determination**

**Date:** June 22, 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 on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).