

ORANGE COUNTY DEPARTMENT OF PLANNING

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COMMISSIONER

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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 Zoning Board

Referral ID #: NBT 08-13M

Applicant: Anita Darrah

Tax Map #: 25-2-3

Proposed Action: Area variance for increase the degree of non-conformity of one side yard setback, maximum allowed apartment sq.ft., maximum allowed accessory building sq.gt. and maximum allowed height of accessory building.

Local File #: 2322-12

Reason for County Review: Project Site is within 500 feet of 9W.

Date of Full Statement: February 4, 2012

Comments:

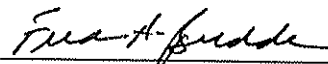
County Planning is in receipt of the GML §239 referral for the above referenced Project. Based upon our review of the submitted materials, our office has found no evidence that significant inter-municipal or county-wide impacts would result from its approval. County Planning recommends that the Board make a decision only after weighing the benefit to be realized by the applicant against the potential detriment to the health safety and general welfare of the neighborhood and/or community. Our office offers the following advisory comments.

1. County Planning recommends that the Applicant pursue an appropriate cross easement with the adjoining parcel to the north in order to allow continued use of the driveway and apartment access. In the event the adjoining land owner is unwilling to provide the easement, our office recommends that the Applicant alter the steps to the south side of the deck and discontinue use of the driveway, re-establishing a vegetative cover. In addition a fence or guiderail may be necessary to prevent continued use of the adjoining parcel.

County Recommendation: Local Determination

Date: January 28, 2013

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