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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: Nancy and Mike DePalma

Project Name: none provided

Proposed Action: Area Variance for approval of existing storage buildings for maximum square footage of accessory buildings, maximum number of vehicles stored onsite, and location of structure B in front yard setback

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

Date of Full Statement: April 8, 2015

Referral ID #: NBT 20-15M

Tax Map #: 2-3-34

Local File #: none provided

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 bulk of the project site is constrained by the presence of New York State Department of Environmental Conservation (NYSDEC)-regulated wetlands and the NYSDEC-required 100-foot-wide wetland buffer. The appellant has been in contact with NYSDEC and has complied with their recommended remediation for the project site. We further note that in the last two years, the Town of Newburgh has referred eight requests for area variances that have involved accessory structures in excess of the maximum allowed square footage. If the Town of Newburgh wishes to review that provision of the zoning code, County Planning will be happy to offer our assistance.

County Recommendation: Local Determination

Date: April 16, 2015

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.