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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: Maho Bay Realty, LLC

Project Name: none provided

Proposed Action: Area Variance for both front yard setbacks, one side yard setback, minimum lot area and minimum lot width for improvements to existing building to improve accessibility

Reason for County Review: Within 500 feet of NYS Routes 32 and 300

Date of Full Statement: August 31, 2015

Referral ID #: NBT 37-15M

Tax Map #: 80-6-7

Local File #: PB 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.

When the proposed appeal for variance was submitted to County Planning by the Town of Newburgh Planning Board, we advised the Planning Board that the handicapped parking space, as shown on the site plan at the front of the building directly off Powelton Avenue, is not connected by a continuous sidewalk to the handicapped-accessible ramp at the rear of the building. We advise the ZBA to address this issue with the appellant. It may be necessary for the appellant to request an additional variance to the minimum number of parking spaces.

County Recommendation: Local Determination

Date: September 8, 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.