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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: Amelia J. Prato

Project Name: none provided

Proposed Action: Area Variance for increased degree of nonconformity for single and combined side yard setbacks for new addition to existing residence

Reason for County Review: Within 500 feet of NYS Route 52

Date of Full Statement: July 22, 2016

Referral ID #: NBT 28-16M

Tax Map #: 48-3-16

Local File #: 2588-16

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.

The existing parcel is 50' wide, less width than the required combined side yard setback. The Town may wish to consider adjusted setback requirements in order to deal with the problems posed by pre-existing lots; for instance, side and rear yard setbacks could perhaps be expressed as a percentage of lot width or depth as opposed to a minimum linear dimension.

County Recommendation: Local Determination

Date: July 26, 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.