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David E. Church, AICP
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 ZBA

Applicant: Angel and Kathleen Rios

Project Name: none provided

Proposed Action: Area Variance for increased degree of nonconformity of combined side yard setbacks for new construction of deck.

Reason for County Review: Within 500 feet of the Orange/Ulster County boundary

Date of Full Statement: June 10, 2016

Referral ID #: NBT 22-16M

Tax Map #: 3-1-89.2

Local File #: 2570-16

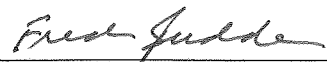
Comments:

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 in this instance that the combined side yard setback for residential property in this zone is more than double the single yard setback (single yard setback in this zone is 30 feet, combined side yard setback is 80 feet). We encourage the Town to examine this issue and determine whether that is a standard that continues to meet the needs of the Town.

County Recommendation: Local Determination

Date: June 23, 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.