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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: Dean and Kristine Schade

Project Name: none provided

Proposed Action: Area Variance for side yard setback and engineering approval for house/pool deck, and to allow accessory apartment addition in front yard setback.

Reason for County Review: Within 500 feet of County Route 23 (Forest Road)

Date of Full Statement: December 21, 2015

Referral ID #: NBT 50-15M

Tax Map #: 1-1-29.42

Local File #: 2534 & 2535-15

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 although the accessory apartment is located within the front yard setback, the property is a flag lot and so the accessory apartment, not being adjacent to a road, is not likely to infringe on traffic safety to a greater extent than the existing residence.

We further note that the Town Building Inspector will require an engineer to approve the previously-constructed deck if the variance is approved. We concur with this requirement.

County Recommendation: **Local Determination**

Date: January 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 on-line at www.orangecountygov.com/planning.