



Orange County Department of Planning

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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: Walmart Real Estate Business

Project Name: none provided

Proposed Action: Area Variance for maximum allowed signage at existing developed site

Reason for County Review: Within 500 feet of NYS Route 300 and I-87

Date of Full Statement: September 14, 2017

Referral ID #: NBT 28-17M

Tax Map #: 95-1-39.21

Local File #: 2639-17

Comments:

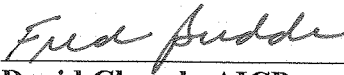
The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

We believe that the Town of Newburgh has two issues to consider in this matter. One issue is that there have been multiple requests for signage over the maximum area permitted by the code, and the Town Board may wish to consider that issue the next time the Zoning Code is updated, to determine whether or not the code is too restrictive regarding signage. The other issue that the Zoning Board of Appeals may wish to consider in this case is that this is the third variance requested by Walmart for increased signage, and their signage area, if this variance is granted, will allow them more than double the signage to which they are entitled as of right. The Town may wish to consider this variance in that context.

County Recommendation: **Local Determination**

Date: October 3, 2017

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 online at www.orangecountygov.com/planning.