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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, &n

Local Referring Board: Town of Newburgh ZBA

Applicant: PJ Lin Corporation

Project Name: Elegant Spa

Proposed Action: Area Variance for rear yard setback and sign setback for existing building

Reason for County Review: Within 500 feet of US 9W

Date of Full Statement: November 14, 2016

Referral ID #: NBT 40-16M

Tax Map #: 43-1-6

Local File #: Pl Bd 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.

The applicant proposes to renovate an existing building with an existing freestanding sign. We note that in addition to the two requested variances for the rear yard setback and the sign setback, the applicant does not have sufficient parking spaces onsite. The applicant may request a variance for the existing parking lot, but that has not been referred to the Planning Department at this time. The applicant may also address this through the site plan process with the Planning Board by reconfiguring the proposed parking lot or implementing a shared parking agreement, among other measures. The Planning Department will be happy to provide information to the Town upon request regarding potential parking solutions.

County Recommendation: Local Determination

Date: November 25, 2016

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.