



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. Church, AICP  
Commissioner

www.orangecountygov.com/planning  
planning@orangecountygov.com

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

**Local Referring Board:** Village of Chester ZBA

**Referral ID #:** CHV 05-19M

**Applicant:** PDJ Components

**Tax Map #:** 114-1-17

**Project Name:** PDJ Components Use Variance

**Local File #:** ZB-19-03

**Proposed Action:** Use variance for expansion of existing manufacturing use to add 7,200 sq. ft.

**Reason for County Review:** Within 500 feet of NYS Routes 17M and 17/Future I-86

**Date of Full Statement:** June 11, 2019

#### Comments:

The Planning Department has reviewed the submitted materials regarding the appeal for a use variance and has found no evidence that intermunicipal or countywide impacts would result from its approval. County Planning recommends that the Board act on this variance request only if the applicant satisfies the unnecessary hardship standard, as defined by New York State law.

The courts of New York hold that the unnecessary hardship standard is satisfied by competent proof of each of the following:

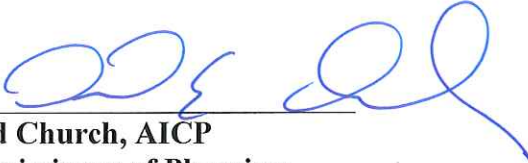
1. the land in question cannot yield a reasonable return, in dollars and cents, if used for any use permitted in the zone,
2. the use to be authorized by the variance will not alter the essential character of the locality,
3. the hardship is unique to the parcel and not general throughout the zoning district, and
4. the hardship is not self-created.

Further Review: It is unclear to the County whether this project will be referred to the Village Planning Board for additional review. We encourage the Zoning Board of Appeals to refer this project to the Planning Board for site plan review. We acknowledge that this may not be feasible, however, and therefore we note that the project site is known to be in an area that provides suitable habitat for Bog Turtles, Timber Rattlesnakes, and the Northern Long-Eared Bat, all of which are species listed as threatened or endangered in New York State. Additionally, the project is in an area known to have historic or archeological significance. We advise the Village to contact the New York State Department of Environmental Conservation and the New York State Office of Parks, Recreation and Historic Preservation in order to determine what, if any, efforts should be made to protect the Village's cultural and environmental resources.

**County Recommendation:** Local Determination

**Date:** July 16, 2019

**Prepared by:** Megan Tennermann, AICP, Planner

  
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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](http://www.orangecountygov.com/planning).