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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: Village of South Blooming Grove ZBA **Referral ID #:** SBG 01-24M

Applicant: IYH Estate LLC dba Mint Leaf

Tax Map #: 209-8-1

Project Name: Mint Leaf Market

Local File #: none provided

Proposed Action: Area Variance for fence height of 10' in front yard setback where a maximum of 4' is required and delivery entrance location 39.6' from intersection where a minimum 75' distance is required

Reason for County Review: Within 500 feet of NYS Route 208

Date of Full Statement: March 18, 2024

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 appears that intermunicipal or countywide impacts would result from approval of this area variance. Specifically, the ten-foot fence, particularly an opaque fence if such is proposed, reduces sight distance at the intersection of NYS Route 208 and Mangin Road on its own. The proposed location of the delivery entrance 39.6' away from the intersection of Route 208 and Mangin Road will cause traffic backups and vehicle crashes at the intersection and along both roads on its own. The combination of the two proposed variances has the potential to cause moderate to severe traffic safety and movement hazards throughout the Southeastern Orange County area.

In an effort to make this area safer for pedestrians and vehicles, we advise the Village to disapprove the area variances requested and return to the Village Planning Board with a revised plan that does the following:


- Routes delivery truck traffic through the parking lot entrances more than 75 feet away from the intersection;
- Revises the onsite lighting to be compliant with International Dark Sky Association standards, which should help with the issues experienced by the neighbor;
- Includes a sidewalk along the road frontages of the project site; and
- Moves the proposed fence closer to the building and cuts the fence height to a maximum of four feet, maintaining as much transparency as possible.

We will be happy to review that plan when referred to us by the Village Planning Board.

County Recommendation: Disapproval

Date: March 19, 2024

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 online at www.orangecountygov.com/planning.