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## Orange County Department of Planning

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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 Chester ZBA

**Applicant:** Lewis Donnelly

**Project Name:** Broccoli Patch

**Proposed Action:** Zoning Interpretation for the number of buildings permitted on a single lot and for the similarity of catering facilities to restaurants

**Reason for County Review:** Within 500 feet of County Route 13 (Kings Highway)

**Date of Full Statement:** March 21, 2019

**Referral ID #:** CHT 03-19M

**Tax Map #:** 13-3-2

**Local File #:** none provided

#### Comments:

The Department has received the above referenced zoning interpretation and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Referral: It has long been the position of this department that zoning interpretations are not inherently referable actions, as they are not specified under New York State General Municipal Law Section 239, paragraphs l, m, and n. We note however that occasionally it can be helpful to obtain an outside perspective on these matters. It is the opinion of the Department that the applicant is correct in that the definition for "Principal Building or Use" does seem to leave room for multiple buildings on a single lot. We further note our opinion that catering facilities can be considered substantially similar to restaurants in usage, or could also be considered a service establishment for non-personal services and non-automotive services, listed as no. 10 under "Uses Requiring Site Plan Approval".

We look forward to reviewing this application at such time as it comes before the Town of Chester Planning Board for Site Plan Approval.

**County Recommendation:** Local Determination

**Date:** April 12, 2019

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

