



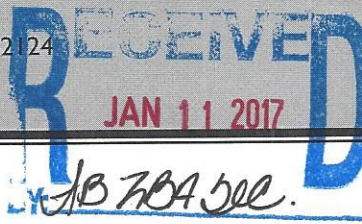
Steven M. Neuhaus
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David E. Church, AICP
Commissioner

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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 Chester ZBA

Applicant: BAZS, LLC

Project Name: Castle Zip

Proposed Action: Area Variance for pole height or code interpretation that variance is unnecessary due to lack of specification

Reason for County Review: Within 500 feet of NYS Routes 17 and 17M

Date of Full Statement: January 3, 2017

Referral ID #: CHT 01-17M

Tax Map #: 2-1-61.2

Local File #: none provided

Comments:

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance or zoning interpretation. 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.


Regarding the interpretation of the zoning code, it does not appear that the height of poles is restricted in the Town of Chester Code. We note, however, that the poles referenced in this code are structures for energy or wireless communications transmissions, or for flags. It is our understanding that the poles for support of a zipline are intended to support human weight, and as such, we believe they should be considered structures and subject to the height restrictions contained within the code, namely 35' in this zone. Please consult your attorney regarding this matter.

County Recommendation:

Local Determination

Date: January 6, 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.