



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: _____

TO: **THE ZONING BOARD OF APPEALS**
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Brian Chen and Lixiao Xie PRESENTLY

RESIDING AT NUMBER 11 Rapalje Road, Fishkill, NY 12542

TELEPHONE NUMBER 917-250-2517

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

72-13-5 (TAX MAP DESIGNATION)

39 South Plank Road (STREET ADDRESS)

B (Business) (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Town Code Chapter 185 Attachment 11, Table of Use and Bulk requirements for the B District - Schedule7



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____ N/A _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____ 9/11/18 _____

4. DESCRIPTION OF VARIANCE SOUGHT: _____
Five (5) area variances for a proposed personal service use. See attached Narrative for a detailed description of the variances sought for this application. _____

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
_____ N/A _____

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
_____ N/A _____

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
_____ N/A _____



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d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

N/A

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

See attached response

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

See attached response

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See attached response

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

See attached response

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

See attached response



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OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

See attached Sketch Site Plan for the proposed project.

[Handwritten Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1st DAY OF November 20 18

[Handwritten Signature]
NOTARY PUBLIC

DANIEL B. CLARINO
Notary Public, State of New York
No. 4619323
Qualified in Orange County
Commission Expires April 30, 20 19

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



TOWN OF NEWBURGH

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ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Karla C. Ritter, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 350 N. Water Street, #1-9, Newburgh, NY 12550
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot 72-13-5 in the Town
of Newburgh (aka 39 South Plank Road).

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Brian Chen & Lixiao Xie
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/1/18 Karla C. Ritter
OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 1st DAY OF November 2018

Daniel B. Clarino
NOTARY PUBLIC

DANIEL B. CLARINO
Notary Public, State of New York
No. 4819323
Qualified in Orange County
Commission Expires April 30, 2019



TOWN OF NEWBURGH

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HE/SHE RESIDES AT 350 N. Water Street #1-9, Newburgh, NY 12550
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax Lot 72-13-5 in the Town
of Newburgh (aka 39 South Plank Road)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Maser Consulting P.A.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/1/18 Karla C Ritter
OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 1st DAY OF November 2018

DANIEL B. CLARINO
Notary Public, State of New York
No. 4619323
Qualified in Orange County
Commission Expires April 30, 2019

[Signature]
NOTARY PUBLIC

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 104 entitled 'Schedule of Fees' of the Code of the Town of Newburgh Zoning Board of Appeals Application Fees Effective January 1, 2017".

SECTION 2 - AMENDMENTS TO CHAPTER 104

1. That Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code is amended as follows:

Subsection 104-2D(2) of Section 104-2 entitled "Planning, zoning and building fees" of Chapter 104 entitled "Schedule of Fees" of the Town of Newburgh Municipal Code be and hereby is amended to read as follows:

"(2) Zoning Board of Appeals Applications:

(a)	Area Variance for Single and Two Family Residential Use and Accessory Use thereto	\$250.00
(b)	Use Variance for Single and Two Family Residential Use And Accessory Use thereto	\$250.00
(c)	All other Area Variances	\$500.00
(d)	All other Use Variances	\$750.00
(e)	Special Permits	\$150.00
(f)	ZBA Interpretation of Code	\$250.00
(g)	Appeal of Code Compliance Determination	\$250.00

Additionally, a \$50.00 public hearing publication fee will be charged for all applications requiring a public hearing, and for those proceedings for which a court reporter is used, the applicant shall pay the costs of transcription

SECTION 3 - UNCONSTITUTIONALITY OR ILLEGALITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect on the later of the date it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law or January 1, 2017.

6. If an Area Variance is requested:

- a.) The area variances being sought by the applicant are all pre-existing, non-conforming conditions. The lot area and lot width are a product of the dimensions of the existing tax lot. Other parcels along this side of NYS Route 52 are of similar size and dimensions. The variances for the front yard, side yard and combined side yards are required based on the existing location of the structure. This structure has been in this location circa 1949. No physical changes to the structure are being conducted by the applicant therefore, the current appearance of the site will not be altered if these variances were to be granted. Based on this, the adjacent property owners and neighborhood character will not be negatively impacted. It will occupy a currently vacant structure.
- b.) Each of the variances are a product of the current existing condition of the parcel and structure. Seeking additional property from an adjoining parcel and/or altering the location of the existing structure to comply with the setbacks are not feasible explorations to achieve the required variances or an approval for the project. The benefit sought by the applicant cannot be achieved by any other method.
- c.) There will be no change to the existing conditions of the site associated with the variances. These variances are required based on the current Town Zoning Code and bulk requirements of the B (Business) Zoning district. The deviation from compliance (as presented below) may be substantial in percentage but are due to existing conditions and a requirement of the construction of a new structure on the subject parcel. These variances will not create a significant change, and therefore, if granted, would not be substantial.

Bulk Item	Required	Provided	Deviation
Lot Area	15,000 Sq. Ft.	13,335 Sq. Ft.	11.1%
Lot Width	100 Feet	50 Feet	50%
Front Yard Setback	60 Feet	30.1 Feet	50%
Side Yard Setback	15 Feet	4.4 Feet	70.7%
Combined Side Yard	30 Feet	21.8 Feet	27.4%

- d.) Each variance being sought is based on the current conditions of the project site. There will be no physical changes to the site which are associated with the variances. The site as it exists today will remain in-kind to the neighborhood. These variances will have no adverse environmental or physical impacts on the neighborhood or district. If not granted, the continued use of the site will be compromised and an unoccupied building will remain.
- e.) All conditions of the site are previously existing. The Zoning Code for the Town of Newburgh was adopted in 1956. The structure on the subject site was constructed circa 1949 and predates the adoption of Zoning Code.



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

**NARRATIVE SUMMARY
NOVEMBER 1, 2018**

**39 SOUTH PLANK ROAD
TAX LOT 72-13-5
TOWN OF NEWBURGH, ORANGE COUNTY, NY
MC PROJECT NO. 18000173A**

Maser Consulting, P.A. has developed the attached Sketch Site Plan for the above referenced parcel. The existing tax lot (72-13-5) is approximately 0.30 acres in size and has frontage along NYS Route 52 (South Plank Road) to the northeast. The lot is currently developed with a 2-story building (1,064 sq. ft), front and rear parking areas, and other typical site improvements. The site is located within the Town's Business (B) zoning district which permits 'retail stores & personal service stores and uses; health clubs and fitness facilities' with site plan approval by the Planning Board. There are no wetlands on site and the site is not located within a Flood Plain. The project is currently serviced by water connection to the main in NYS Route 52 and has an on-site septic system. The parcel is located within the Town's Consolidated Water District and Crossroads Sewer District.

The applicant proposes to renovate the existing 2-story building (1,064 sq. ft.) for use as a licensed massage therapy and cosmetologist office with two (2) employees. These services include massages, hair removal, skin care, and facials. All services are by appointment only. Initially, the first floor of the building will be used for therapy and the second floor will be used for storage purposes. In the future, the second floor may be utilized for offices or therapy. Site work associated with the proposed use includes, restriping the existing paved area to create one (1) ADA accessible space along with four (4) standard parking spaces for a total of five (5) parking spaces and construction of an additional two (2) parking spaces at the rear of the site. A personal service use of this size requires seven (7) parking spaces which have been provided. Pre-existing, non-conforming conditions exist for the following bulk requirements; lot area, lot width, front setback, and side setbacks. The bulk requirement deficiencies and variance needs are as follows:

- Lot area of 13,335 square feet where 15,000 square feet is required;
- Lot width of 50 feet where 100 feet is required;
- Front yard setback of 30.1 feet where 60 feet is required;
- Side yard setback of 4.4 feet where 15 feet is required;
- Combined side yard of 21.8 feet where 30 feet is required.

The building will maintain utilizing its existing water service and proposes to abandon the existing on-site septic and connect a sewer service to the existing Town sewer main that crosses the southern end of the site. The existing curb cut to NYS Route 52 will remain unchanged.

JED/pa

R:\Projects\2018\18000173A-39 S. Plank Road\Applications-Permits\Municipal\ZBA\181101_Project Narrative.docx

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddbllaw.com
Fax (845) 294-6553
(Not for Service of Process)

September 11, 2018

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: 39 South Plank Road Site Plan 18.16
72-13-5 (Zone B)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of September 6, 2018 requesting site plan approval to renovate an existing 2-story building in order to operate a licensed massage therapy and cosmetology office within. The proposed site plan will require variances as follows:

- Lot area of 13,335 square feet where 15,000 square feet is required;
- Lot width of 50 feet where 100 feet is required;
- Front yard setback of 30.1 feet where 60 feet is required;
- Side yard setback of 4.4 feet where 15 feet is required;
- Combined side yard of 21.8 feet where 30 feet is required.

The planning board has no particular matters to bring to your attention. It appears that your review of this matter under the New York State Environmental Quality Review Act is a Type II Action. If it is not, I suggest that you conduct your review on an

uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MHD', written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Maser Consulting



ORANGE COUNTY - STATE OF NEW YORK
ANN G. RABBITT, COUNTY CLERK
255 MAIN STREET
GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 13948 / 1612
INSTRUMENT #: 20150061212

Receipt#: 2012491
Clerk: KP
Rec Date: 09/23/2015 09:55:40 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 5
Rec'd Frm: DRAKE, LOEB, HELLER

Party1: RITTER MILTON
Party2: RITTER MILTON
Town: NEWBURGH (TN)
72-13-5

Recording:
Recording Fee 45.00
Cultural Ed 14.25
Records Management - Coun 1.00
Records Management - Stat 4.75
TP584 5.00
RP5217 All others - State 241.00
RP5217 - County 9.00

Sub Total: 320.00

Transfer Tax
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 320.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 1358
Commercial Transfer Tax
Consideration: 0.00

Total: 0.00

Payment Type: Check ___
Cash ___
Charge ___
No Fee ___

Comment: _____

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 9/23/15 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

10/31/18 *Ann G. Rabbitt*
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

DRAKE LOEB PLLC
555 HUDSON VALLEY AVENUE SUITE 100
NEW WINDSOR, NY 12553

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 4th day of August, 2015
BETWEEN

MILTON RITTER, residing at 350 North Water Street, Unit 1-9, Newburgh, New York 12550,

party of the first part, and

S-72
B-13
L-5

MILTON RITTER and KARLA C. RITTER, husband and wife, residing at 350 North Water Street, Unit 1-9, Newburgh, NY 12550,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being further bounded and described in Schedule A annexed hereto and made a part hereof.

Being and intended to be the same premises conveyed in a certain deed dated September 12, 1989 by Moses Daniel Stivers and Janet M. Stivers f/k/a Janet M. Larkin, husband and wife, to Milton Ritter, and recorded in the office of the Orange County Clerk in Liber 3192 of Deeds at page 70 on September 25, 1989.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the parties of the second part forever, as Tenants by the Entirety.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

MILTON RITTER

to

MILTON RITTER and KARLA C. RITTER

SECTION 72
BLOCK 13
LOT 5
TOWN OF NEWBURGH

**Record and return to:
Glen L. Heller, Esq.
Drake Loeb PLLC
555 Hudson Valley Avenue
Suite 100
New Windsor, NY 12553**

GLH/dm/437769
14362-66540

SCHEDULE A

BEGINNING at a point on the Westerly side of Route 52, a/k/a South Plank Road, said point marking the Southerly division line of the herein described parcel and the Northerly line of lands now or formerly Barger (Liber 2268 page 150), running thence along the same, South 52-30-00 West 266.70 feet to a point marking the Westerly division line of the herein described parcel and the Easterly line of lands now or formerly Boltuch (Liber 2469 page 178), running thence along the same, North 37-30-00 West 50.00 feet to a point marking the Northerly division line of the herein described parcel and the Southerly line of lands now or formerly Canton (Liber 2615 page 225), running thence along the same, North 52-30-00 East 266.70 feet to a point on the Westerly side of the aforesaid Route 52, running thence southerly along the same, South 37-30-00 East 50.00 feet to the point or place of beginning.









Short Environmental Assessment Form

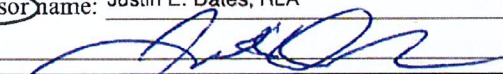
Part 1 - Project Information

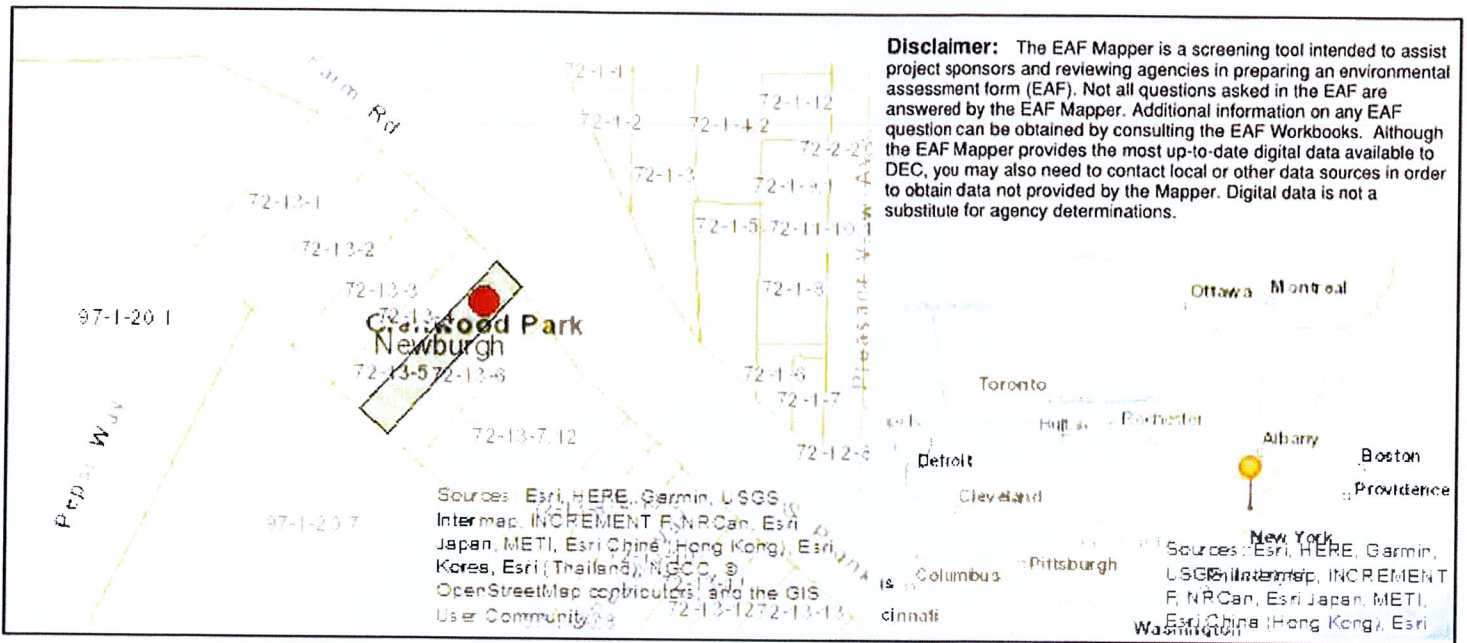
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 39 South Plank Road			
Project Location (describe, and attach a location map): 39 South Plank Road, Newburgh NY 12550 - 100' south from intersection of Brookside Farm Road & NYS Route 52			
Brief Description of Proposed Action: See attached Narrative.			
Name of Applicant or Sponsor: Brian Chen & Lixiao Xie		Telephone: 917-250-2517	
		E-Mail: c.jjong1@yahoo.com	
Address: 11 Rapalje Road			
City/PO: Fishkill		State: NY	Zip Code: 12524
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board (site plan) and GML 239 Referral			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.306 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.306 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ OFF-SITE, site code: 336060, Class N, 166 South Plank Road - petroleum spill in 2001 resulted in low levels of PCE to be found in groundwater. Sampling conducted in 2011 indicates that contamination is no longer present.</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Justin E. Dates, RLA Date: 11/01/2018</p> <p>Signature: </p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes