



Steven M. Neuhaus  
County Executive

### Orange County Department of Planning Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-I,m, & n

Referral ID#: \_\_\_\_\_  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:	Town of Newburgh
Local Referring Board:	Zoning Board of Appeals
Applicant:	PJ Lin Corporation
Project Name:	Elegant SPA
Location of Project Site:	5177 Route 9W

Tax Map #:	43-1-6
Tax Map #:	
Tax Map #:	
Local File No.:	Pl Bd Ref
Size of Parcel*:	200X117

\*If more than one parcel, please include sum of all parcels.

Reason for County Review: ON US Route 9W

Current Zoning District (include any overlays): B

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan

Sq. feet proposed (non-residential only): \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

Other

AREA USE (circle one) REAR YARD SETBACK & SIGN REQUIRED  
15 FT SETBACK

Is this an update to a previously submitted referral? YES / NO (circle one)

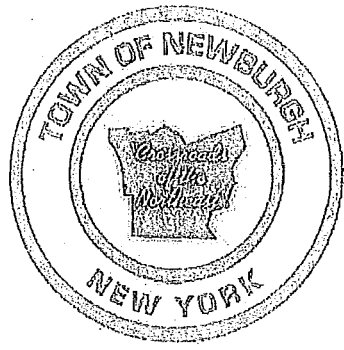
Local board comments or elaboration:

Signature of local official: \_\_\_\_\_ Date: 11/10/16 Chairperson  
Zoning Board of Appeals Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# 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: 11/04/16 ✓

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

*PJ Lin Corporation*

I (WE) Huaifeng Su PRESENTLY

RESIDING AT NUMBER 5177 Route 9W

TELEPHONE NUMBER 977-971-3135

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:

43-1-6 (TAX MAP DESIGNATION)

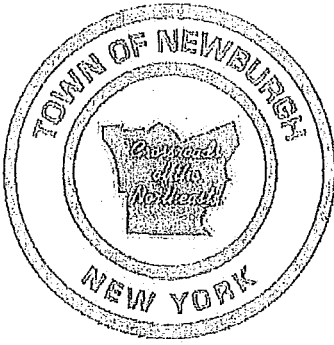
5177 Route 9W (STREET ADDRESS)

B (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).

Bulk requirements B District

185-14 Sign regulations



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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: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: 10/26/15

4. DESCRIPTION OF VARIANCE SOUGHT: REAR YARD SETBACK (19' PROVIDED 50/40' REQ'D) & SIGN SETBACK (4' PROVIDED 15' REQ'D)

*N/R*

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:

\_\_\_\_\_  
\_\_\_\_\_

**(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:

\_\_\_\_\_  
\_\_\_\_\_

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_



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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

BUILDING AND SIGN ARE EXISTING. ADJACENT  
CANDS ARE VACANT AND STEADILY TERMINED

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:

THE PROSPECTIVE TENANT CAN NOT  
MOVE THE BUILDING OR SIGN

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

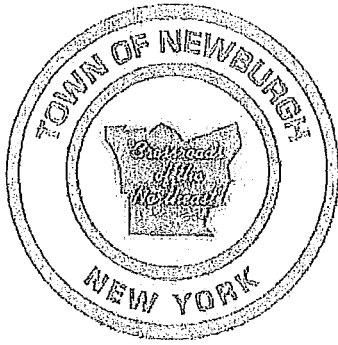
SIGN - 9w ROW IS WIDE (60').  
BUILDING - BACK YARD IS HEAVILY WOODED  
AND STEEP

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

BUILDING AND SIGN ARE EXISTING.

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

BUILDING AND SIGN ARE EXISTING



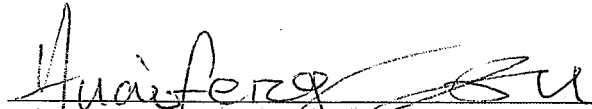
# TOWN OF NEWBURGH

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7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

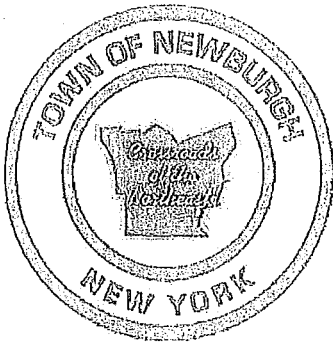
SWORN TO THIS 24 DAY OF 10 2016

  
\_\_\_\_\_  
NOTARY-PUBLIC

AJET METALIAJ  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01ME6249505  
My Commission Expires 10/11/2019

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.

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



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

John Lease III, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 5020 Rt 9w Newburgh  
IN THE COUNTY OF Orange AND STATE OF N.Y.  
AND THAT HE/SHE IS THE OWNER IN FEE OF 5177  
Rt 9w

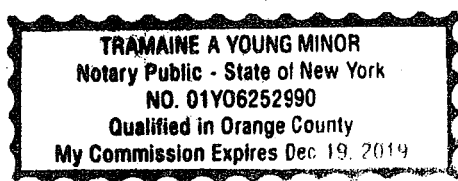
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Huafeng Xu and Talcott Engineering Design Charles T Brown  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/4/16  
[Signature]  
OWNER'S SIGNATURE

[Signature]  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4<sup>th</sup> DAY OF NOV. 2016



[Signature]  
NOTARY PUBLIC

P.J.LIN CORPORATION

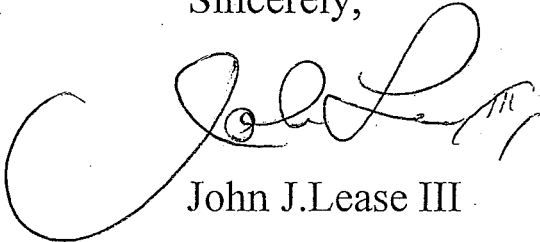
5020 Route 9W  
Newburgh, N.Y. 12550

November 10, 2016

Dear Town of Newburgh,

This letter will certify that I, John J. Lease III,  
am the sole owner of P. J. Lin Corporation.

Sincerely,



John J. Lease III

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

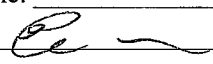
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

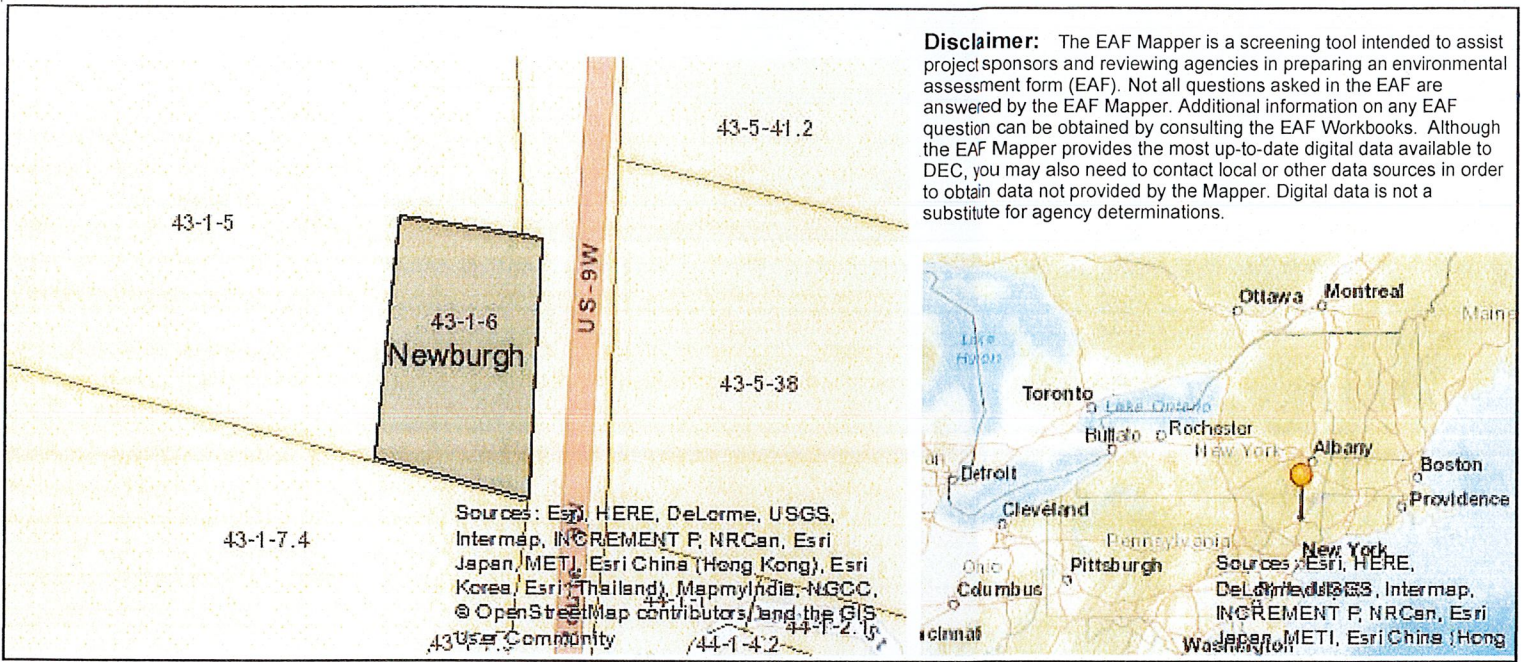
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: ELEGANT SPA		TED # 16162-SHG	
Project Location (describe, and attach a location map): 5177 ROUTE 9W			
Brief Description of Proposed Action: CONVERT OFFICES TO PERSONAL SERVICE			
Name of Applicant or Sponsor: HUAI FENG XU		Telephone:	
		E-Mail:	
Address: 250 WEST 27th STREET, APARTMENT 1A			
City/PO: NEW YORK		State: NY	Zip Code: 10001
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 checked="" 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: SITE PLAN APPROVAL FROM PLANNING BOARD			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.5 acres	
b. Total acreage to be physically disturbed?		0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.5 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 type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" 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: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant <u>(sponsor)</u> name: CHARLES T. BROWN, PE <span style="float: right;">Date: 11/3/2016</span></p> <p>Signature: <u></u></p>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

- 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] Yes
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

16162-SHG

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

John J. Lease, III  
Tansosch Properties, Inc.  
  
TO  
  
PJ Lin Corp.

SECTION 43 BLOCK 1 LOT 6

RECORD AND RETURN TO:  
(Name and Address)

Larkin & Axelrod, Esqs.  
34 Route 17K  
Newburgh, NY 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. \_\_\_\_\_ DATE \_\_\_\_\_ AFFIDAVIT FILED \_\_\_\_\_ 19 \_\_\_\_\_

INSTRUMENT TYPE: DEED \_\_\_\_\_ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

- BG20 Blooming Grove \_\_\_\_\_
- CH22 Chester \_\_\_\_\_
- CO24 Cornwall \_\_\_\_\_
- CR26 Crawford \_\_\_\_\_
- DP28 Deerpark \_\_\_\_\_
- GO30 Goshen \_\_\_\_\_
- GR32 Greenville \_\_\_\_\_
- HA34 Hamptonburgh \_\_\_\_\_
- HI36 Highlands \_\_\_\_\_
- MK38 Minisink \_\_\_\_\_
- ME40 Monroe \_\_\_\_\_
- MY42 Montgomery \_\_\_\_\_
- MH44 Mount Hope \_\_\_\_\_
- NT46 Newburgh (T)
- NW48 New Windsor \_\_\_\_\_
- TU50 Tuxedo \_\_\_\_\_
- WL52 Wallkill \_\_\_\_\_
- WK54 Warwick \_\_\_\_\_
- WA56 Wawayanda \_\_\_\_\_
- WO58 Woodbury \_\_\_\_\_
- MN09 Middletown \_\_\_\_\_
- NC11 Newburgh \_\_\_\_\_
- PJ13 Port Jervis \_\_\_\_\_
- 9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_  
 Mortgage Amount \$ \_\_\_\_\_ CHECK  CASH \_\_\_\_\_ CHARGE \_\_\_\_\_  
 Exmpl Yes \_\_\_\_\_ No \_\_\_\_\_  
 3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_  
 Received Tax on above Mortgage  
 Basic \$ \_\_\_\_\_ ED. FUND \$ 5.00  
 MTA \$ \_\_\_\_\_ RECORD. FEE \$ 14-  
 Spec. Add. \$ \_\_\_\_\_ REPORT FORMS \$ 30-  
 TOTAL \$ \_\_\_\_\_ CERT. COPIES \$ \_\_\_\_\_

JOAN A. MACCHI  
Orange County Clerk

by: \_\_\_\_\_  
 ORANGE COUNTY CLERK'S OFFICE S.S.  
 Recorded on NOV 14 1994  
 at 1:32 O'Clock P  
 in Liber/Film 413 to deed M.  
 by Joan A. Macchi and examined.  
 on page 324  
 County Clerk

*OT*  
 RECEIVED  
 \$ \_\_\_\_\_  
 REAL ESTATE  
 TRANSFER TAX  
 ORANGE COUNTY

LIBER 4136 PAGE 324

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 Nov 14 1994 AND THE SAME IS A CORRECT  
 TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt*  
 COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
 ORANGE COUNTY  
October 28, 2016

ORANGE COUNTY CLERKS OFFICE 524E:0 LMS  
 RECORDED/FILED 11/14/94 01:32:24 PM  
 FEES 44.00 EDUCATION FUND 5.00  
 SERIAL NUMBER: 002974  
 DEED CNTL NO 63180 RE TAX 200.00

19.00  
200.00

Bargain and Sale Deed with Covenant Against Grantor's Acts  
Individual or Corporation

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT**

THIS INDENTURE, made the 15<sup>th</sup> day of November, 1994.

BETWEEN JOHN J. LEASE, III, residing at RD #1, Box 101, Walkkill, Ulster County, NY 12589 and TANSOSCH PROPERTIES, INC., a New York Corporation with an office at 433C Heinsman Lane, Walkkill, Ulster County, NY 12589,

parties of the first part, and PJ LIN CORP., a New York Corporation with an office at 7 Massachusetts Drive, Town of Newburgh, Orange County, NY 12550

party of the second part,

WITNESSETH, that the parties of the first part, in consideration of Ten Dollars and other 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,

Schedule A Annexed

TOGETHER with all right, title and interest, if any, of the parties of the first part of, 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 parties 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 party of the second part forever.

AND the parties of the first part covenants that the parties 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 parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of TANSOSCH PROPERTIES, INC., one of the parties of the first part, entitled to vote thereon obtained at a meeting duly called.

IN WITNESS WHEREOF, the parties of the first part have duly executed this deed the day and year first above written.

IN PRESENCE OF:

*cc. J. Lease, III*

*J. Lease, III*  
\_\_\_\_\_  
JOHN J. LEASE, III

TANSOSCH PROPERTIES, INC.

By: *M. Tansosch*  
\_\_\_\_\_  
MATTHEW A. TANSOSCH, President

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the *1st* day of November, 1994, before me personally came JOHN J. LEASE, III to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to executing the same.

*Alan J. Axelrod*  
\_\_\_\_\_  
Notary Public  
ALAN J. AXELROD  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires *11/20/94*

STATE OF NEW YORK )  
: ss.:  
COUNTY OF ORANGE )

On the *1st* day of November, 1994, before me personally came MATTHEW A. TANSOSCH to me known, who, being by me duly sworn, did depose and say that he resides at 433 Heinsman Lane, Wallkill, NY 12589, that he is the President of TANSOSCH PROPERTIES, INC., the Corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation; ~~that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation,~~ and that he signed his name thereto by like order.

*Leatrice Langer*  
\_\_\_\_\_  
Notary Public

BARGAIN & SALE DEED

JOHN J. LEASE, III  
& TANSOSCH PROPERTIES, INC.

LEATRICE LANGER  
NOTARY PUBLIC, State of New York  
Reg. #4864747  
Qualified in Orange County  
Commission Expires *7/21/96*

Section 43  
Block 1  
Lot 6

-TO-

PJ LIN CORP.

SCHEDULE A

DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh in the County of Orange and State of New York, on the westerly side of the highway leading from Newburgh to Middle Hope and bounded and described as follows:

Beginning at a stake in the wall on the westerly side of the road leading from Newburgh to Middle Hope, at the southeasterly corner of the herein described lot, and running thence along a stone wall north sixty-three degrees and twenty-four minutes west one hundred seventeen and three tenths feet to a stake in the wall; thence running along other lands of W.B. Jones north fifteen degrees and twenty-two minutes east one hundred seventy-seven and two tenths feet to a stake; thence still running along other lands of W.B. Jones South seventy-four degrees and thirty-eight minutes east one hundred fifteen feet to a stake on the side of the bank on the westerly side of the road leading from Newburgh to Middle Hope; thence running along the westerly side of the said road south fifteen degrees and twenty-two minutes west two hundred feet to the place of beginning, containing 0.498 acre.

The premises are not in an agricultural district and that the subject premises is entirely owned by the transferors.

