TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

Zoning Board of Appeals
SEP 08 2026
Town of Newburgh

OFFICE OF ZONING BOARD
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE **845-566-4901**
FAX LINE **845-564-7802**

APPLICATION

DATED: 9/1/26

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

I (WE) Justin Lattierre, on behalf of Walmart Inc. PRESENTLY

RESIDING AT NUMBER 280 E Broad Street, Suite 200, Rochester, NY 14604

TELEPHONE NUMBER 585-498-7850

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

_____ USE VARIANCE

☑ AREA VARIANCE (S)

_____ INTERPRETATION OF THE ORDINANCE

_____ SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-39.21 (TAX MAP DESIGNATION)

1201 NY-300, Newburgh, NY 12550 (STREET ADDRESS)

IB INTERCHANGE BUISNESS (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
185-13 (b)

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:
July 17, 2026

4. DESCRIPTION OF VARIANCE SOUGHT: _____
The current required parking on the site is 1,044 spaces calculated at 5 spaces per thousand square feet. The proposal is to add 6,158 square feet for a total of 214,869 which will require 1,074 spaces. The existing site contains 912 spaces while ~~the proposed site after construction of the addition will contain only 877 spaces. A~~ parking variance of 197 spaces is required.

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:

_____
_____
_____

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:

The property is an existing Walmart Supercenter within an established commercial development, and the proposed expansion is consistent with the existing use and character of the site. The expansion is intended for operational and stockroom functions rather than additional retail floor area and is not anticipated to materially increase customer activity or parking demand.

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 existing site is already nonconforming with respect to the Town's parking requirement, largely due to the size of the existing 208,711-square-foot building and the application of the required 5 spaces per 1,000 square feet parking ratio. The proposed expansion increases operational space within an already developed site, making strict compliance with the calculated parking requirement impractical without substantial reconfiguration of the established property.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

Although the numerical variance is 197 spaces, the site will continue to provide 877 parking spaces and a parking ratio of approximately 4.1 spaces per 1,000 square feet. The numerical deficiency should also be considered in the context of the property's existing nonconforming condition and the operational nature of the expansion, which does not add retail sales area or proportionally increase customer parking demand.

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

The requested variance relates to the number of parking spaces provided on an existing developed commercial property and does not introduce a new or incompatible land use. The proposed improvements are concentrated around the existing building and parking areas and will continue to support the established Walmart use.

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

The parking deficiency is an existing site condition that predates the proposed expansion, with 912 existing spaces compared with the 1,044 spaces currently required by the Town. While the expansion increases the calculated deficiency, it consists of operational and stockroom space rather than additional retail area, and therefore the increase in required parking is primarily a function of applying the Town's parking ratio to additional building area rather than a corresponding increase in customer parking demand.

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~ Monroe ea

SWORN TO THIS 3rd DAY OF September 20 26

NOTARY PUBLIC

EMILEE M HYDE
Notary Public, State of New York
No. 01HY0033639
Qualified in Monroe County
Commission Expires February 07, 2029

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 13 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
ZONING BOARD OF APPEALS

PROXY

Sky Zehm, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 814 RESPECT DR, BENTONVILLE

IN THE COUNTY OF Benton AND STATE OF Arkansas

AND THAT HE/SHE IS THE OWNER IN FEE OF

1201 NY-300, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Colliers Engineering & Design and it's representatives

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/28/26 Sky Zehm

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF ~~NEW YORK~~ Arkansas: COUNTY OF ~~ORANGE~~ Benton:

SWORN TO THIS 28th DAY OF July 2026

Linda Stelljes

NOTARY PUBLIC

LINDA STELLJES
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMM. EXP. 12/01/27
COMMISSION NO. 12703323

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 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:
Walmart OPD Expansion Project

Project Location (describe, and attach a location map):
1201 Union Ave (NY-300), Newburgh, NY 12550

Brief Description of Proposed Action:
A 6,158 SF building expansion is proposed off of the southeast corner of the existing Walmart Supercenter. The existing watermain will be rerouted around the proposed expansion. Approximately 0.53 acres will be disturbed on site to complete the rerouting of the existing water line and the construction of the new expansion building. The limits of disturbance are limited to paved areas within the existing Walmart parking lot. The existing parking canopy will be removed as well as existing signage, curbing, and paved surfaces in the project area. Topography is relatively flat with moderate slopes for directing runoff to existing storm drain inlets. The proposed work will be matching existing drainage patterns.

Name of Applicant or Sponsor:	Telephone: 585-498-7912
Marah MacKenzie, Colliers Engineering & Design	E-Mail: marah.mackenzie@collierseng.com

Address:
280 E Broad Street, Suite 200

City/PO:	State:	Zip Code:
Rochester	NY	14604

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board & ZBA; Town of New Windsor Planning Board	☐	☑

3. a. Total acreage of the site of the proposed action? 38.71 acres
   b. Total acreage to be physically disturbed? 0.53 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 38.71 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ■ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify:	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☒ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat, Upland Sandpiper	☐	☑
16. Is the project site located in the 100-year or 500-year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☑	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
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:	☑	☐
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: Completed before Walmart store was constructed.	☐	☑
21. Is the project located within, or within ½ mile of, a disadvantaged community?	☐	☑
If No, could impacts from the project affect a disadvantaged community?	☐	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): No adverse impacts to disadvantaged communities are expected as a result of this project.		

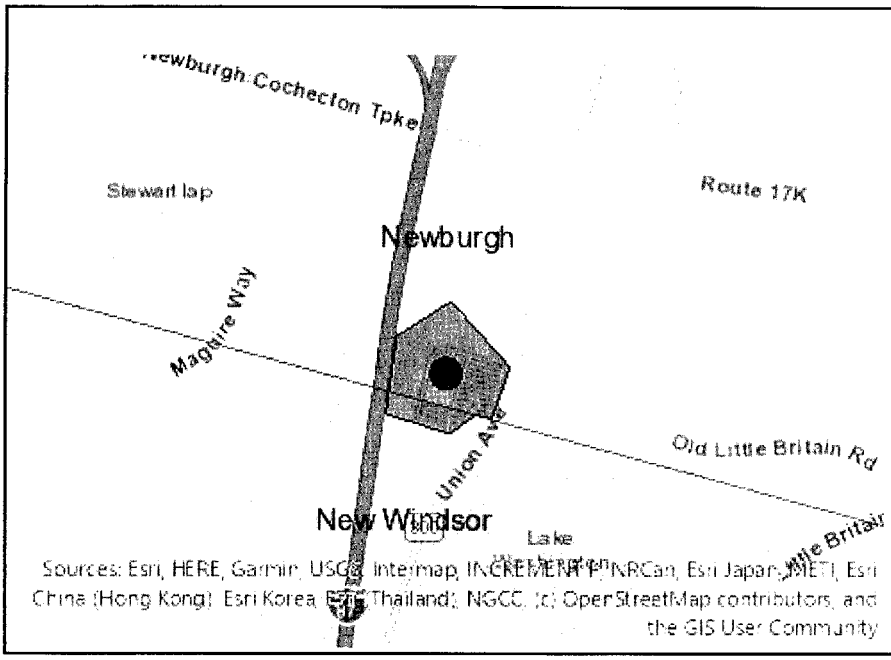
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Marah MacKenzie Date: 8/18/26

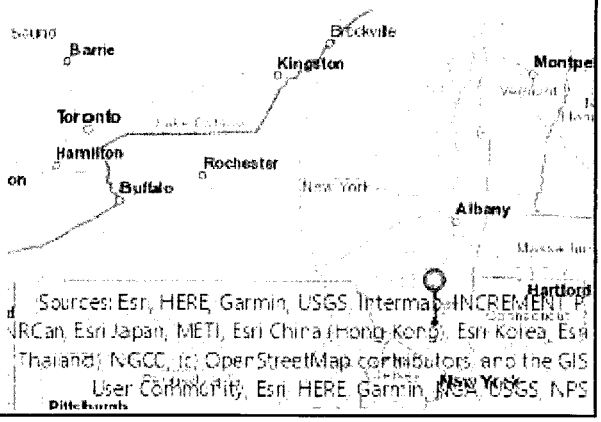
Signature: _____ Title: Project Services Specialist

EAF Mapper Summary Report

Thursday, August 20, 2026 10:50 AM



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 to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Upland Sandpiper
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	Yes

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT – DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

Wal-Mart Stores, Inc.

TO

Wal-Mart Real Estate Business Trust

SECTION 3 BLOCK 34 LOT 800

RECORD AND RETURN TO:
(name and address)

Romona West
2001 S.E. 10th St., Dept. 9391
Bentonville, AR 72716-0550

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED_/_ MORTGAGE____ SATISFACTION____ ASSIGNMENT____ OTHER____

PROPERTY LOCATION

___2089	**BLOOMING GROVE (TN)**	___4289	**MONTGOMERY (TN)**		
___2001	WASHINGTONVILLE (VLG)	___4201	MAYBROOK (VLG)		
___2289	**CHESTER (TN)**	___4203	MONTGOMERY (VLG)		
___2201	CHESTER (VLG)	___4205	WALDEN (VLG)		
___2489	**CORNWALL (TN)**	___4489	**MOUNT HOPE (TN)**		
___2401	CORNWALL (VLG)	___4401	OTISVILLE (VLG)		
___2600	**CRAWFORD (TN)**	___4600	**NEWBURGH (TN)**		
___2800	**DEERPARK (TN)**	___4800	**NEW WINDSOR (TN)**		
___3089	**GOSHEN (TN)**	___5089	**TUXEDO (TN)**		
___3001	GOSHEN (VLG)	___5001	TUXEDO PARK (VLG)		
___3003	FLORIDA (VLG)	___5200	**WALLKILL (TN)**		
___3005	CHESTER (VLG)	___5489	**WARWICK (TN)**		
___3200	**GREENVILLE (TN)**	___5401	FLORIDA (VLG)		
___3489	**HAMPTONBURGH (TN)**	___5403	GREENWOOD LAKE (VLG)		
___3401	MAYBROOK (VLG)	___5405	WARWICK (VLG)		
___3689	**HIGHLANDS (TN)**	___5600	**WAWAYANDA (TN)**		
___3601	HIGHLAND FALLS (VLG)	___5889	**WOODBURY (TN)**		
___3889	**MINISINK (TN)**	___5801	HARRIMAN (VLG)		
___3801	UNIONVILLE (VLG)				
___4089	**MONROE (TN)**				
___4001	MONROE (VLG)				
___4003	HARRIMAN (VLG)				
___4005	KIRYAS JOEL (VLG)				

CITIES

___0900	**MIDDLETOWN**
_✓_1100	**NEWBURGH**
___1300	**PORT JERVIS**
___9999	**HOLD**

NO PAGES 3 CROSS REF.____
CERT.COPY____ ADD'L X-REF.____
MAP#____ PGS.____

PAYMENT TYPE: CHECK /
CASH____
CHARGE____
NO FEE____

Taxable
CONSIDERATION $____
TAX EXEMPT____

Taxable
MORTGAGE AMT. $____
DATE____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER $10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (I) NAT.PERSON/CR. UNION
- ___ (J) NAT.PER-CR.UN/1 OR 2
- ___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Wal-Mart

STATE OF NEW YORK, COUNTY OF ORANGE ss:
I, Kelly A. Eskew, 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 5/5/2003 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 09/03/2026.

Kelly A. Eskew
County Clerk & Clerk of the Supreme County Courts
Orange County

RECORDED/FILED
05/05/2003/ 07:00:00
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20030069836
DEED / BK 11038 PG 0075
RECORDING FEES 64.00
TTX# 009168 TRANS TAX 0.00
Receipt#112072 lil

WARRANTY DEED

THIS INDENTURE, made the 31st day of October, 1996, between

WAL-MART STORES, INC. **GRANTOR**
With an address of 702 S.W. 8th Sreet,
Bentonville, Arkansas 72716

AND

WAL-MART REAL ESTATE BUSINESS TRUST **GRANTEE**
With an address of 702 S.W. 8th Street
Bentonville, Arkansas 72716

WITNESSETH,

That the grantor, in consideration of ---ONE DOLLAR----,
Paid by the grantee, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever, all the land, described in **EXHIBIT "A"** attached hereto,

Said parcel containing 37.9 acres, more or less.

SUBJECT TO all easements and right-of-ways of record;

Being part or all of same premises conveyed to Grantor by the certain deed dated March 31, 1993, and recorded in the Orange County Clerk's Office in Liber 3787, Page 112.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises;
TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever.

AND the grantor covenants as follows:

FIRST. – The grantee shall quietly enjoy the said premises:
SECOND. – The grantor will forever warrant the title to said premises:
This deed is subject to the trust provision of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the 31st day of October, 1996.

In presence of

WAL-MART STORES, INC.

By: _____
Latriece Watkins
Its: Director, Wal-Mart Realty

STATE OF ARKANSAS)
) **ss**
COUNTY OF BENTON)

On the 20th day of November, 2002, before me personally came Latriece Watkins, to me known, who being by me duly sworn, did depose and say that deponent is the Director, Wal-Mart Realty of Wal-Mart Stores, Inc., the corporation described in and which executed, the foregoing instrument, deponent 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; deponent signed deponent's name thereto by like order.

_____
Amber Murphy
Notary Public

AMBER MURPHY
Benton County
My Commission Expires
May 23, 2011

Store # 2104

EXHIBIT A
2104, Newburgh, NY

All that certain piece, parcel, or tract of land, together with all appurtenances thereto belonging, lying and being in the City of Newburgh, County of Orange, State of New York, being more particularly described as follows:

BEGINNING at the intersection of the westerly right-of-way line of Union Avenue or Route 300 with the southerly line of lands now or formerly of James Z. Patsalos, Tax Map No. 95-1-39.22; thence from said point of beginning and along the westerly right-of-way line of Union Avenue or Route 300 on the following courses and distances: South 27°-36'-29" West 368.84' to a point of curvature; thence on a curve to the right having a radius of 1,392.89', an arc distance of 532.93' to a point of tangency as described by the chord South 38°-34'-08" West 529.68'; thence on a tangent South 52°-29'-59" West 9.40' to a point; thence South 46°-46'-12" West 5.14' to the most easterly corner of lands now or formerly of Neumetzger, Tax Map No. 4-1-5.1; thence along the lands now or formerly of Neumetzger on the following 3 courses and distances: North 07°-48'-10" West 270.43'; thence North 84°-23'-10" West 426.58'; thence South 01°-22'-50" West 147.17' to a stone wall corner, said corner marking the northeasterly corner of lands now or formerly of Roscino and Talbot, Tax Map No. 4-1-4; thence along a stone wall marking the northerly line of lands now or formerly of Roscino and Talbot, North 89°-25'-10" West 526.30' to the intersection of 2 stone walls; thence along a stone wall South 12°-12'-50" West 296.31'; thence South 07°-17'-00" West 275.30' to a point in the notherly line of Liner Road; thence South 78°-11'-36" West along the northerly line of Liner Road 163.45' to the easterly corner of lands now or formerly of Deyo, Tax Map No. 4-1-2; thence along the line of lands now or formerly Deyo North 17°-17'-12" East 178.94'; thence South 75°-10'-42" West 100.0' to the easterly line of the New York State Thruway or Interstate Route 87; thence along the easterly right-of-way line of New York State Thruway on the following 3 courses and distances: North 17°-17'-12" East 253.68'; thence North 19°-06'-48" East (passing over the town line between the Town of New Windsor and the Town of Newburgh), 867.51'; thence North 19°-06'-02" East 367.0' to the most southerly corner of lands now or formerly of Vecchio, Tax Map No. 95-1-41; thence along the line of lands now or formerly of Vecchio on the following 3 courses and distances: North 37°-11'-50" East 304.72'; thence North 76°-21'-50" East 485.80'; thence North 54°-48'-50" East following along the center line of an old ditch 658.10' to a point on the southwesterly side of Orr Avenue; thence along the southwesterly side of said road South 23°-01'-20" East 10.23' to a point in the line of lands now or formerly of McLamb, Tax Map No. 95-1-40; running thence along the line of lands now or formerly of McLamb on the following three courses and distances: South 54°-48'-50" West 394.40'; thence South 22°-42'-20" East 480.0'; thence South 47°-12'-10" East 144.75' to a point, said point being the northerly corner of lands now or formerly of James Z. Patsalos; thence along the line of lands now or formerly of Patsalos on the remaining courses and distances: South 25°-52'-24" West 232.60'; thence South 64°-16'-40" East 287.66' to the point of beginning.

The above described parcel is subject to a permanent slope easement granted to the New York State Department of Transportation as shown and designated as Parcel 58 - Union Avenue Route 17K - Route 207 State Highway No. 9456, Orange County.

DRAKE LOEB PLLC
ATTORNEYS AT LAW

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

Glen L. Heller ◊
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Alana R. Bartley ◊◊
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield
Michael A. D'Angelo ◊◊
James C. Lindeman

Jennifer L. Schneider
Managing Attorney

◊ *LL.M. in Taxation*
◊◊ *Member NY & NJ Bar*

James R. Loeb *
Richard J. Drake **
Gary J. Gogerty *
Stephen J. Gaba *

* *Retired*
** *Retired 2015; d. 2025*

July 17, 2026

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Walmart Expansion / Planning Board Project No. 26-14

Dear Chairman Scalzo and Board Members:

At the Planning Board's July 16, 2026 meeting, the Planning Board resolved to refer this matter to the Zoning Board of Appeals for a required parking variance. The project is located at 1201 New York Route 300, and identified on the tax map as Section 95.1, Block 39, Lot 21, and located in the IB zone. The applicant seeks approval for a 6,158 square foot expansion of the existing Walmart Supercenter.

The project requires a variance from the Town of Newburgh Zoning Board of Appeals for a reduction in parking. The current required parking on the site is 1,044 spaces calculated at 5 spaces per thousand square feet. The proposal is to add 6,158 square feet for a total of 214,869 which will require 1,074 spaces. The existing site contains 912 spaces while the proposed site after construction of the addition will contain only 877 spaces. A parking variance of 197 spaces is required. The project was previously approved as a Unified Site Plan requiring compliance with Town of Newburgh bulk requirements.

The project also requires site plan amendment approval from the Town of New Windsor Planning Board, although that application has not yet been made. At some point we anticipate that, since most of the improvements are located in New Windsor, that the New Windsor Planning Board will circulate for lead agency for a coordinated review of this unlisted action. But until such time, the Zoning Board of Appeals would be free to conduct its own uncoordinated review of the project.

Very Truly Yours,

Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer
Quinn Mullarkey, Planning Board Consulting Engineer



Parking Lot #1



Parking Lot #2



Parking Lot #3



Parking Lot #4

AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY

STATE OF NEW YORK: COUNTY OF ORANGE:

I Justin Dates, being duly sworn, depose and say that I did on or before

September 10, 2026, post and will thereafter maintain at

1201 Route 300 95-1-39.21 IB Zone in the Town of Newburgh, New York, at or near the front property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 9th

day of September, 2026.

Priscilla Ansah-Washington

STATE OF NOTARY PUBLIC NEW YORK
PRISCILLA ANSAH-WASHINGTON
Registration #01PR0045156
Qualified in Orange County
My Commission Expires
December 24, 2029


Walmart



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD OF APPEALS
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE **845-566-4901**
FAX LINE **845-564-7802**

NOTICE OF HEARING

NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-55A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 24th day of September, 2026 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of Justin Lattierre on behalf of Walmart Inc (Planning Board Referral) for an area variance of the number of parking spaces required for the expansion of the existing Walmart Supercenter.

PREMISES LOCATED at 1201 Route 300 95-1-39.21 IB Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 10th day of September, 2026.

(APPLICANT)


ONLY
ONLY



