

**ZB# 07-19**

**ADP  
(For Walmart)**

**4-1-5.22**

07-19 ADP (for Wal-Mart.) (AR  
Rt. 300 (4-1-5.22)

07-19

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 7/9/07*

-----X  
In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**WAL-MART**

**AREA VARIANCE**

CASE #07-19  
-----X

**WHEREAS, WAL-MART**, owner(s) of property on NYS Route 300, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 19 foot minimum lot width at NYS Route 300.

**WHEREAS**, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant was represented by Daniel Yanosh, L.S.; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located in a neighborhood of commercial properties, located on a busy commercial highway.
  - (b) The Applicant seeks to subdivide a small portion of the property due to a change in the corporate plans of the owner.
  - (c) The road servicing both parcels, May Road, is on the dominant parcel, ownership of which is to be retained by the Applicant.

- (d) The subdivision, if approved by the Planning Board, will allow for the sale of the smaller parcel. Applicant acknowledges that if a variance is granted by this board it will still need to appear before and obtain the approval of the New Windsor Planning Board for the subdivision for this smaller property before sale of same can be affected.
- (e) The property to be sold cannot be enlarged because to do so would change the ownership and responsibility of maintenance of May Road to the owner of the smaller, irregularly shaped parcel.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served provided the following conditions are met:
  - (i) The road servicing the properties, May Road, will remain the in the ownership of and shall be maintained by the owner of the larger parcel, presently Wal-Mart. If subdivision of the smaller parcel is approved by the New Windsor Planning Board, Applicant will still retain ownership and maintenance of May Road.

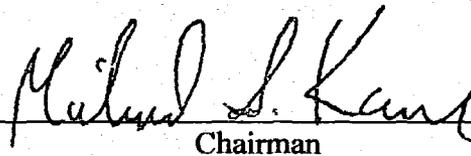
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 19 foot minimum lot width at NYS Route 300 as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 9, 2007

  
Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 11/08/07**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 342.97 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-19**

**NAME & ADDRESS:**

**APD ENGINEERING, PLLC (for Wal-Mart)  
3445 Winton Place - Suite 210  
Rochester, NY 14623**

**THANK YOU,**

**MYRA**

**J.F. 11/08/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-19      TYPE:AREA      TELEPHONE: 479-204-2594

APPLICANT:  
APD ENGINEERING, PLLC (for Wal-Mart)  
3445 Winton Place - Suite 210  
Rochester, NY 14623

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>11308</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:                      COMMERCIAL \$500.00                      CHECK # 11307



<b><u>DISBURSEMENTS:</u></b>		<b>MINUTES</b>	<b>ATTORNEY</b>
		<b><u>\$7.00 / PAGE</u></b>	<b><u>FEE</u></b>

PRELIMINARY:	<u>7</u>	PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:6/29/07                      \$ 17.03

TOTAL:                      \$ 87.03                      \$ 70.00



ESCROW POSTED:                      \$ 500.00  
LESS: DISBURSEMENTS:                      \$ 157.03

AMOUNT DUE:                      \$ \_\_\_\_\_

REFUND DUE:                      \$ 342.97

Cc:

JF. 11/08/07

**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 07-08

DATE: 3-16-07

APPLICANT:

**Wal-Mart Real Estate**  
**2001 SE 10<sup>th</sup> Street, Bentonville, AR 72716**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 1-23-07

FOR: SUBDIVISION

LOCATED AT: NYS Route 300

ZONE: C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 5.22

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Area Type Variance Required for Lot Width**

TOWN OF NEW WINDSOR CODE: **Bulk Tables - Section 300-8**

*Mark J. Edsall, P.E.*  
\_\_\_\_\_  
Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **07-08**

ZONE: **C**

USE: **not determined**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (Gross)	40,000 sf	47558	-
MIN. LOT AREA (Net)	-	-	-
MIN. LOT WIDTH	200 ft	181	19 ft.
REQUIRED FRONT YARD	60 ft	-	-
REQUIRED SIDE YARD	30 ft	-	-
REQUIRED TOTAL SIDE YARD	70 ft	-	-
REQUIRED REAR YARD	30 ft	-	-
REQUIRED FRONTAGE	n/a	-	-
MAX. BLDG. HT.	12"/ft	-	-
FLOOR AREA RATIO	0.5	-	-
MIN. LIVABLE AREA	n/a	n/a	-
DEVELOPMENTAL COVERAGE	85%	-	--
O/S PARKING SPACES	-	-	-

**This is a subdivision application only. Setback values**

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**

ADP\_ENGINEERING\_(FOR\_WAL-MART)\_(07-19)

Mr. Daniel Yanosh, Jr. appeared before the board for this proposal.

MR. KANE: Request for 19 foot minimum lot width at NYS Route 300.

MR. YANOSH: My name is Dan Yanosh, Jr. from APD Engineering on behalf of Wal-Mart. We're here requesting a 19 foot variance for the minimum lot width along New York State Route 300.

MS. LOCEY: What's the name of the engineering company?

MR. YANOSH: It's APD.

MS. LOCEY: Just make that notation it's ADP on the agenda but the correct name is APD.

MR. KANE: For those who might not have been here, can you tell us what you're doing exactly?

MR. YANOSH: This is our parcel that we're subdividing this area right here, this is the lot width that we're looking to get the variance for, doesn't quite conform. This property line here has been moved about as far over as we can to maintain access here for the Wal-Mart entrance drive and then this property here will be sold off by Wal-Mart.

MR. KANE: So you guys remember, do you understand what they're doing with the entrance?

MR. YANOSH: This we highlighted this here in orange I think that was a request from the last meeting just be a little bit clearer for everybody to see.

MR. TORPEY: The road's going to stay there, all the entrances are going to be there, just separating that

July 9, 2007

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one piece of property?

MR. KANE: Correct, separating that one piece of property.

MR. LUNDSTROM: Just a point of reference in the prelim didn't we say that Wal-Mart shall continue to maintain May Road?

MR. BABCOCK: Yes, they'll actually be the owner of this road.

MR. KANE: That's not going to leave their possession.

MR. YANOSH: That's why we can't move this property line any further, we want to keep this access road on Wal-Mart's property so they'll maintain it.

MR. LUNDSTROM: Shall that be a condition we attach to the approval?

MR. BABCOCK: It's part of it, Mr. Chairman, the road is actually part of the Wal-Mart lot, the subdivision proposal is to take that weird shaped lot up to the road access off so they can sell it. If Wal-Mart was to get sold they would have to sell it with the road, it's part of the lot.

MR. KANE: Right, so they're going to have a little weird shaped lot down on the end there but that entrance I think is vital to that Wal-Mart place out there definitely.

MR. LUNDSTROM: Too many people get lost.

MR. KANE: For the record, any easements going through where the entrance is currently? This is an existing entrance?

MR. YANOSH: Yes.

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MR. BABCOCK: Wal-Mart's intentions at the beginning was to keep this lot, put a Wal-Mart gas station in, apparently, it's changed, that's why they need the subdivision, it's that cut and dry really.

MR. KANE: At this point I'll open it up to the public, ask if anybody's here for this particular hearing? Seeing as there's not we'll ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 13 addressed envelopes, 8 from the Town of New Windsor and five from the Town of Newburgh, we had no response.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that the application by APD Engineering for Wal-Mart request for 19 foot minimum lot width at New York State Route 300 in a C zone be approved as presented.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE





# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
7/9/2007	604

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
6/29/2007	LEGAL ADS: APPEAL NO. 07-19 WALMART	13.03	13.03
	1 AFFIDAVIT	4.00	4.00
<b>Total</b>			\$17.03

**RECEIVED**  
JUL 18 2007  
By \_\_\_\_\_

**PUBLIC HEARING  
NOTICE  
ZONING BOARD OF  
APPEALS  
TOWN OF NEW  
WINDSOR**

PLEASE TAKE NOTICE  
that the Zoning Board of  
Appeals of the TOWN OF  
NEW WINDSOR, New York,  
will hold a Public Hearing on  
the following Proposition:

Appeal No. (07-19)

Request of ADP  
ENGINEERING  
(For Wal-Mart)

for a VARIANCE of the  
Zoning Local Law to Permit:

Request for 19 ft. Minimum  
Lot Width at NYS Rt. 300 in a C  
Zone (4-1-5.22)

PUBLIC HEARING will  
take place on JULY 9, 2007 at  
the New Windsor Town Hall,  
555 Union Avenue, New  
Windsor, New York  
beginning at 7:30 P.M.

Michael Kane, Chairman

RECEIVED  
JUL 18 2007

State of New York  
County of Orange, ss:  
Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 29th day of June A.D., 2007  
and ending on the 29th day of  
June A.D. 2007.

*Kathleen O'Brien*  
Subscribed and shown to before me  
this 18<sup>th</sup> day of July, 2007.

*Deborah Green*  
Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.

# Town of New Windsor

**PURCHASE ORDER**

**49879**

Town Hall  
555 Union Ave.

New Windsor, NY 12553

TEL: 845-563-4623 / FAX: 845-563-4697

SENTIN

DATE	6/25/2007
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

**SIGN & RETURN TO ADDRESS ABOVE**

VENDOR	SHIP TO
THE SENTINEL THE E.W. SMITH PUBLISHING CO, INC. PO BOX 406 VAILS GATE, NY 12584	Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553-6140 Attn: Myra Mason

SPECIAL INSTRUCTIONS

MM

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	PUB HEAR NOTICE: 6/29 WALMRT 10-1010-101620-4-4173	1	20.00	20.00

**NO ORDER VALID UNLESS SIGNED BELOW**

**20.00**

**VENDOR CERTIFICATION AND DECLARATION**

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

**DEPARTMENTAL CERTIFICATION**

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

*[Signature]* 6-25-07  
COMPTROLLER

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

**VENDOR - SIGN AT X AND RETURN WITH INVOICE**



**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

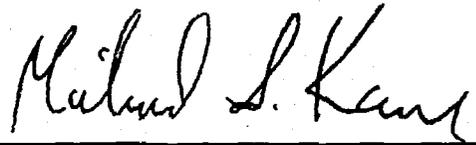
**Appeal No. (07-19)**

**Request of ADP ENGINEERING (For Wal-Mart)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 19 ft. Minimum Lot Width at NYS Rt. 300 in a C Zone (4-1-5.22)**

**PUBLIC HEARING will take place on JULY 9, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**



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**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

May 18, 2007

ADP Engineering, PLLC (for Wal-Mart)  
3445 Winton Pl. Ste. 210  
Rochester, NY 14623  
Attn: Adam Fischel

Re: 4-1-5.22      ZBA#: 07-19 (8) *Plus 5 from Town of Newburgh*

Dear Mr. Fischel:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00 minus your deposit of \$25.00.

Please remit the balance of \$0.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

4-1-1.1  
WAL-MART REAL ESTATE BUSINESS  
TRUST  
PO BOX 8050, MS 0555  
BENTONVILLE, AR 72712

4-1-3.12  
HUDSON VALLEY FEDERAL CREDIT  
UNION  
159 BARNEGAT RD.  
POUGHKEEPSIE, NY 12601

4-1-4  
R & R PARTNERSHIP  
C/O HERBERT REDL  
80 WASHINGTON ST. STE. 100  
POUGHKEEPSIE, NY 12601

4-1-6  
DAVID NUNNALLY &  
NATALIE CACCAVO-NUNALLY  
30 LINER RD.  
NEW WINDSOR, NY 12553

4-1-12.11  
BANTA REALTY  
842 MAIN ST.  
POUGHKEEPSIE, NY 12603

4-1-12.2  
NEWBURGH WATER SUPPLY  
CITY HALL  
NEWBURGH, NY 12550

4-1-68.2  
H. R. & C. NEW YORK, INC.  
915 UNION AVE.  
NEW WINDSOR, NY 12553

4-1-72.2  
NEWBURGH TOWN CENTER  
535 HIGH MOUNTAIN RD.  
STE. 201  
NORTH HALEDON, NJ 07508

RESULTS OF ZBA MEETING OF: May 14, 2007

PROJECT: ADP Eng (for Wal-Mart) ZBA # 07-19  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:  
SCHEDULE PUBLIC HEARING: M) 10 S) 1 VOTE: A 5 N \_\_\_\_\_

*★*  
GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y  N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_  
VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Map to be outlined for P.H.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 05-10-07

FOR: ESCROW 07-19

FROM:  
ADP ENGINEERING, PLLC (for Wal-Mart)  
3445 Winton Place - Suite 210  
Rochester, NY 14623

CHECK FROM:  
SAME

CHECK NUMBER: 11307

TELEPHONE: 585-273-0273

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

John P. ... 5/14/07  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#364-2007**

05/14/2007

**APD Engineering**

Received \$ 150.00 for Zoning Board Fees, on 05/14/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

2BA #07-19

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ADP\_ENGINEERING\_(FOR\_WAL-MART)\_(07-19)

MR. KANE: Request for 19 foot minimum lot width at NYS Route 300. Just please state your name and everything, speak loudly.

MR. FISHEL: My name is Adam Fishel (phonetic) with APD Engineering, the address there, do you need the address? It's 3445 Winton Place, Suite 208, Rochester, New York 14623. And I like I mentioned we're here for a 19 foot variance on the lot frontage, I believe it's lot width on that Wal-Mart out lot. This right here is Route 300 and the Wal-Mart Super Center is placed back here, right now, this is the Hudson Valley Federal Credit Union right adjacent to it and they also own the parcel of property between their existing building and the Wal-Mart out lot we're talking about. The side of the property is along the Wal-Mart access drive on the west side and this little odd configuration from the minor road that's by Route 300 and that's considered the property width measurement right there and as it has been placed and signed off by the town. It's not providing 19 feet of the required from the signed plan versus this one, I have actually moved that western property line as close as we can right here to the Wal-Mart drive to maximize that front property with the front building setback.

MR. BABCOCK: You moved property lines?

MR. FISHEL: It's all this is the overall parcel we're talking about and we're looking to subdivide this little portion from the Wal-Mart, the overall parcel, this is the western property boundary I was talking about, I shifted that approximately five feet further to the west so I can maximize that front lot width and it's all Wal-Mart property that we're talking about.

MR. LUNDSTROM: Mr. Chairman, will that shift impact on the right-of-way for the use of that road?

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MR. KANE: Good question.

MR. FISHEL: Well, that's a Wal-Mart access road.

MR. LUNDSTROM: It's not the one that's available to public use?

MR. FISHEL: I'm sorry, this right here this is the Wal-Mart access drive, not Liner Road.

MR. LUNDSTROM: Only for Wal-Mart or is it for the public?

MR. FISHEL: I assume it's a public drive.

MR. LUNDSTROM: That was the cause for my question.

MS. LOCEY: Are you going to move that road?

MR. FISHEL: The road, no, no.

MS. LOCEY: What are you moving?

MR. FISHEL: Just the property boundary right here, there's two lines that denote the edge of the existing road that's staying where it is, what I've done is I've shifted this lot line that segregates our parcel, we're looking to subdivide and the rest of the Wal-Mart property we're subdividing from closest to that edge of pavement that we can.

MR. KANE: So the rest of the property is going to, that's owned by Wal-Mart going to kind of go around that, is that what we're saying?

MR. FISHEL: The remaining property to Wal-Mart is going to be, is this area here.

MR. KANE: Kind of go right around that whole thing.

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MR. FISHEL: The whole road as it is is going to be within the existing Wal-Mart property.

MS. LOCEY: And you're subdividing for the credit union?

MR. FISHEL: No, for a Wal-Mart out parcel that they are looking to sell, this is where the gas station was, I don't know if you remember that about a year or so ago that I came in for approvals and that went away, that's the same lot that was slated for a gas station looking to subdivide it off and put it up for sale.

MR. KANE: The top part of the Wal-Mart property is that the line that's coming straight across the way you're subdividing out that line right there?

MR. FISHEL: Yes, this is the property to the credit union.

MR. KANE: That's credit union's property?

MR. FISHEL: Yes.

MS. LOCEY: So that's not Wal-Mart property?

MR. FISHEL: No, if it was it would be easy to slide that property line.

MR. BABCOCK: The credit union has an approval or close to approval, they're actually going to tear that one down and build a new one and that's, they're going to expand over into that site, this was an approved lot for a Wal-Mart gas station, apparently, they're not going to build that now.

MR. KANE: But that does include the road, right?

MR. BABCOCK: No, the road is not on this parcel.

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MR. KANE: The road is not on that parcel?

MR. BABCOCK: No, that crazy dark line that goes with the road is the property line.

MR. KANE: Yeah, that I was getting little confused looking at that, I'm wondering why can't we pull out 19 feet and not even have to be here?

MR. FISHEL: Wish it was that simple.

MR. KANE: So that's not part of, okay, so there's nowhere to pick up that 19 feet from Wal-Mart property is what we're saying?

MR. BABCOCK: That's right, the 19 feet was there when they subdivided because it included the road Wal-Mart owned, the road, and they also owned that parcel.

MR. KANE: And what happened to the road?

MR. BABCOCK: They're going to maintain ownership of the road but this parcel they're going to sell to me, you, anybody who wants to buy it so they're making this parcel smaller.

MR. FISHEL: And the property access will be maintained?

MR. BABCOCK: They still need to go back to the planning board for final approval on this if they're successful in this.

MR. KANE: They're still going to own the road?

MR. BABCOCK: Wal-Mart is, that's correct, it's the craziest lot line I've ever seen that somebody's creating.

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MR. KANE: We've got enough crazy lot lines in town.

MS. LOCEY: Access to the new proposed subdivided lot will have to gain entry from that access road?

MR. FISHEL: Presently there are two asphalt aprons off of it, there's this line here, there's the Wal-Mart access road we're talking about, there's an access point here, an existing asphalt apron and then up here on the north side of our lot, the lot we're wishing to subdivide there's also another asphalt apron, I don't know why anybody would want to pose an access right here, right near the crazy intersection with Liner Road and 300 when they have two access points here.

MR. BABCOCK: When they subdivide it they'll have to be in the deed that Wal-Mart will give them access to this property.

MR. LUNDSTROM: Yeah, I would insist on that in perpetuity Wal-Mart shall give them access.

MR. KANE: The portion that they're keeping, they're just keeping the road itself and their property ends just below the road, that straight line coming across is that the property line down there all the way down on the bottom?

MR. BABCOCK: Yeah, the very straight line is Wal-Mart's property.

MR. FISHEL: That's correct.

MR. KANE: And they're keeping the road so they have access.

MR. FISHEL: That's correct.

MR. KANE: Wouldn't it make more sense to sell than make a right and keep, and get access right through it?

MR. BABCOCK: Well, when they did it, when they made this whole thing Wal-Mart's intention was to build their own gas station there so it made a lot of sense, they owned it, it didn't matter the whole thing. Now that they're selling it there's not much, there's no other way of doing it, there really isn't. If they're not successful in getting this Wal-Mart's going to have to maintain ownership, they're not going to be able to sell it so--

MR. LUNDSTROM: I think also from a practical standpoint I know, I've gone into that store a couple times, the parking lot can be very confusing for people to leave and I think maybe 50% of the people leave through that road so it seems like it would be in Wal-Mart's best interest to maintain it and keep it.

MR. BABCOCK: We're not going to let them not have that, if they came and said they were going to sell this road we would tell them no, they can't do that.

MR. KANE: They'd have to maintain access rights.

MR. BABCOCK: We want this road for Wal-Mart.

MR. KANE: Okay, all right, I think we're good enough. Any further questions?

MR. FISHEL: It's a crazy lot configuration.

MR. KANE: When you come for the public, do me a favor just to outline that in a different color showing exactly what that property is so it stands out for the public cause I'm sure you're going to have people here. I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of ADP Engineering for Wal-Mart and their request for 19 foot minimum lot

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width at New York State Route 300 in a C4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
**(Variances, Zone Changes, Special Permits, Subdivisions)**  
To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: TOWN OF NEW WINDSOR

TAX MAP ID: 4-1-5.22  
(Section-Block-Lot)

Local File #: 07-19 (Please refer to this number in review) Project Name: WAL-MART

Applicant: ADP ENGINEERING (For Wal-Mart) Send Copy of Letter to Applicant: (check one)

Address: 3445 Winton Place - Suite 210  
Rochester, NY 14623

Yes  No

Attorney, Engineer, Architect: n/a

Location of Site: NYS RT. 300  
(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_ Existing Lots: \_\_\_\_\_ Proposed Lots/Units: \_\_\_\_\_

Present Zoning District: C

**TYPE OF REVIEW:**

- Site Plan (SP): \_\_\_\_\_
- Special Use Permit\* (SUP) \_\_\_\_\_
- Variance\* USE (UV): DESCRIPTION OF PROJECT:  
AREA (AV): DESCRIPTION OF PROJECT: REQUEST FOR 19 FT. MINIMUM LOT  
WIDTH
- Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_
- Zoning Amendment To Section: \_\_\_\_\_
- Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_
  - Sketch
  - Preliminary
  - Final (Please indicate stage)
- Other Comments: \_\_\_\_\_

Date: 05-11-07

\_\_\_\_\_  
Myra Mason, Secretary to the ZBA

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007





**APD Engineering**

3445 Winton Place - Suite 208  
Rochester, NY 14623  
585-273-0273  
Fax: 585-273-0276  
Website: www.apd.com

5/14  
Agenda

April 13, 2007

Town of New Windsor  
Zoning Board of Appeals  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12553  
Attn: Myra Mason

**RE: Proposed Subdivision of former Wal-Mart Fueling Station Lot.**

**05-0167**

Dear Myra:

On behalf of our client Wal-Mart Stores, Inc., we are pleased to submit the following information to the Zoning Board of Appeals (ZBA) for review/approval of the Area Variance requested for the former Wal-Mart Fueling Station lot. Our proposal includes subdividing the  $\pm 2.936$  acres parcel owned by Wal-Mart Real Estate Business Trust into two separate lots to be retained by Wal-Mart Real Estate Business Trust. The first lot (former Wal-Mart Fueling Station) would consist of  $\pm 1.092$  acres, whereas the second lot would be the remaining  $\pm 1.844$  acres. The resulting  $\pm 1.092$  acres parcel provides a lot width of 181' and therefore requires a variance of 19' from the required 200', as dictated by the Town Zoning Code.

In order to form a complete ZBA application, we have enclosed four sets of the following items for your review:

1. Zoning Board of Appeals Application
2. Applicant/Owner Proxy Statement
3. Zoning Board of Appeals Application Fee - \$150.00
4. Zoning Board of Appeals Escrow Fee - \$500.00
5. Zoning Board of Appeals Public Hearing Deposit - \$25.00
6. Short Form Environmental Assessment Form
7. Subdivision Map

We respectfully request that we be scheduled for the next available Zoning Board of Appeals meeting to review/approve our request for a 19' lot width variance. If you have any question or need additional information feel free to contact us. Thank you.

Sincerely,

Adam M. Fishel, E.I.T.  
Project Engineer

cc: Patrick Bennett, Core States Engineering

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**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

4/6/07  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

I. **Owner Information:** Phone Number: (479) 204-2599  
WAL-MART REAL ESTATE BUSINESS TRUST Fax Number: ( )  
(Name)  
2001 SE 10<sup>TH</sup> ST, BENTONVILLE AR 72716  
(Address)

II. **Applicant:** APD ENGINEERING, PLLC Phone Number: (585) 273-0273  
(Name) Fax Number: (585) 273-0276  
3445 WINTON PLACE, SUITE 210 ROCHESTER, NY 14623  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: (585) 273-0273  
APD ENGINEERING, PLLC Fax Number: (585) 273-0276  
(Name)  
3445 WINTON PLACE, SUITE 210 ROCHESTER, NY 14623  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (585) 273-0273  
Fax Number: (585) 273-0276  
APD ENGINEERING, PLLC  
(Name)  
3445 WINTON PLACE, SUITE 210 ROCHESTER, NY 14623  
(Address)

V. **Property Information:**

Zone: C Property Address in Question: NYS ROUTE 300  
Lot Size: 1.068 Tax Map Number: Section 4 Block 1 Lot 322

- a. What other zones lie within 500 feet? C on WEST SIDE of RT 300 & R-2 on THE EAST SIDE
- b. Is pending sale or lease subject to ZBA approval of this Application? No
- c. When was property purchased by present owner? YES
- d. Has property been subdivided previously? No If so, When: \_\_\_\_\_
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- f. Is there any outside storage at the property now or is any proposed? No

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	40,000 SF	47,558 SF	-
Min. Lot Width	200 FT	181 FT	19 FT
Reqd. Front Yd.	60 FT	-	-
Reqd. Side Yd.	30 FT	-	-
Reqd. Rear Yd.	30 FT	-	-
Reqd. St Front*	N/A	-	-
Max. Bldg. Hgt.	12" / FT	-	-
Min. Floor Area*	N/A	N/A	-
Dev. Coverage*	85%	-	-
Floor Area Ration**	0.5	-	-
Parking Area	-	-	-

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

In considering granting approval of the requested variance the ZBA may consider the following: The Site Plan for the Wal-Mart Supercenter was approved by the Town of New Windsor on 11/19/04, of which provided the subject parcel with a property frontage less than required,  $\pm 172'$ . The property width is limited by the Wal-Mart access road to the west and the Outlot (owned by the Hudson Valley Federal Credit Union) to the east. The boundary of the subject lot has since been modified to provide the maximum lot width as possible, 181'. The subject lot's frontage does not provide access to either NYS Rt 300 or Liner Road due to the lot's immediate vicinity to the intersection of these two roads. Access to the subject lot is provided via the Wal-Mart access drives which are in place to the west and north.

The requested variance will not result in any adverse effects on the surrounding environment due to the low possibility that any curb cuts, point of access, etc will be permitted along the frontage. Nor will the requested variance limit the development ability for the subject lot or those adjacent.

***PLEASE NOTE:***

***THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.***

**COMPLETE THIS PAGE**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

REFER TO RESPONSE TO SECTION IX

**XIII. ATTACHMENTS REQUIRED:**

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- 4 copies →  Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 (escrow)
- One in the amount of \$ 50.00 or 150.00 (application fee)
- One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

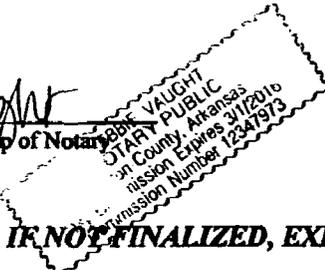
Sworn to before me this:

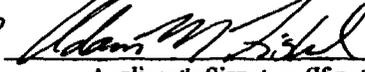
11<sup>th</sup> day of April 2007.

  
 \_\_\_\_\_  
 Owner's Signature (Notarized)

ROY LOVERT  
 \_\_\_\_\_  
 Owner's Name (Please Print)

Debbie Vaughn  
 \_\_\_\_\_  
 Signature and Stamp of Notary



  
 \_\_\_\_\_  
 Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR <b>APD ENGINEERING, PLLC</b>	2. PROJECT NAME <b>SUBDIVISION OF FORMER WAL-MART FUELING STATION LOT</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>THE LOT IS LOCATED JUST NORTH OF THE NYS RT 300 (UNION AVE) AND LINER ROAD INTERSECTION.</b>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>To SUBDIVIDE APPROXIMATELY 1.09 ACRES FROM THE CURRENT 2.93 ACRE PARCEL OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST. THE TWO LOTS, 1.09 ACRES AND 1.84 ACRES RESPECTIVELY WILL BE OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>2.936</b> acres    Ultimately <b>2.936</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <b>A LOT WIDTH VARIANCE WILL BE REQUIRED FROM THE TOWN ZBA.</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>APD ENGINEERING, PLLC</b>	Date: <b>1/25/07</b>
Signature:	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 **AND** provide, on attachments as necessary, the reasons supporting this determination

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)



**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

WAL-MART REAL ESTATE BUSINESS TRUST, deposes and says that he resides  
(OWNER)

at 702 SW 8<sup>TH</sup> STREET BENTONVILLE, AR 72716 in the County of BENTON  
(OWNER'S ADDRESS)

and State of ARKANSAS and that he is the owner of property tax map

(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ )  
designation number (Sec. 4 Block 1 Lot 522 ) which is the premises described in

the foregoing application and that he authorizes:

APD ENGINEERING, PLLC, 3445 WINDON PL, SUITE 208, ROCHESTER, NY 14623  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
( Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 4-11-07

\*\* [Signature]

Owner's Signature (MUST BE NOTARIZED)

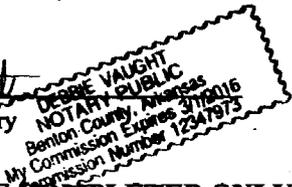
Sworn to before me this:  
11<sup>th</sup> day of April 2007

[Signature]

Applicant's Signature (If different than owner)

Debbie Vaughn

Signature and Stamp of Notary



\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE

**Map Showing the Subdivision  
of a 2.936-Acre Parcel Owned by Wal-Mart Real Estate Business Trust  
Intersection of New York State Route 300 and Limer Road  
Town of New Windsor, Orange County, New York**



**Applicant:**  
APD Engineering, PLLC  
3445 Winton Place - Suite 208  
Rochester, New York 14623

**Owner:**  
Wal-Mart Real Estate Business Trust  
2001 SE 10th Street  
Bentonville, Arkansas 72712-6489

Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns have reviewed and are in agreement with the subdivision parcel lines shown on this plat.

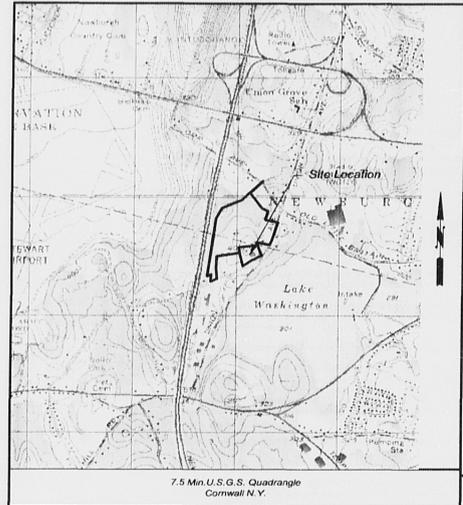
Wal-Mart Real Estate Business Trust Representative \_\_\_\_\_ Date \_\_\_\_\_

Town of New Windsor Consultant Engineer \_\_\_\_\_ Date \_\_\_\_\_

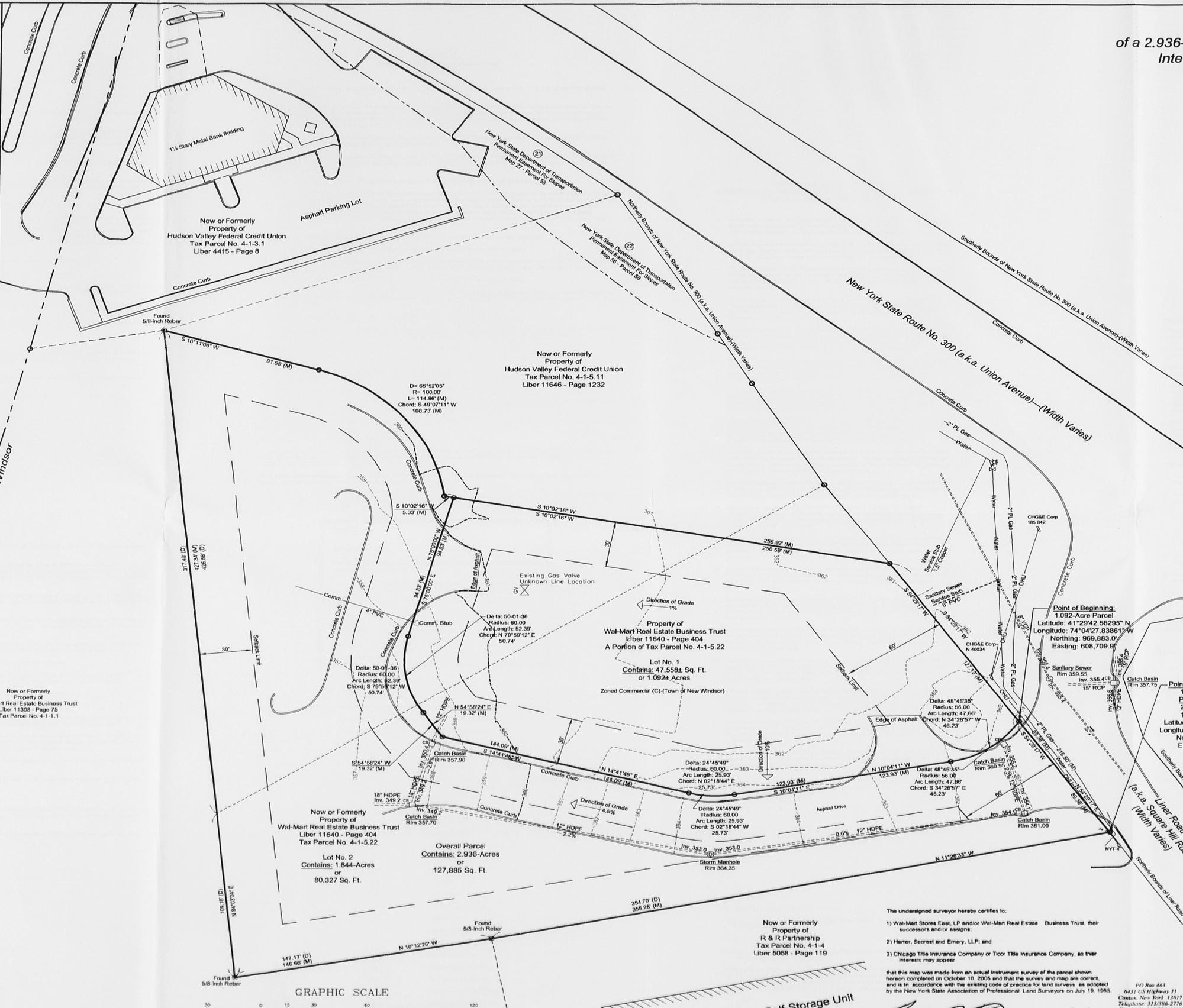
Town of New Windsor Planning Board Person \_\_\_\_\_ Date \_\_\_\_\_

Town of New Windsor Code Enforcement \_\_\_\_\_ Date \_\_\_\_\_

**Zoning:**  
Current zoning is Commercial (C), setback requirements are: Front Yard 60-feet, Side Yard/Total Both Sides 30/70-feet, and Rear Yard 30-feet.



- Legend:**
- Existing or Proposed Wal-Mart Property Line
  - - - Approximate Town Line
  - - - Existing Easement Line
  - - - Adjoiners Deed Line
  - - - Building Setback From Property Line
  - Found Iron (Pipe, Rebar, or cotter)
  - Set 5/8-inch Rebar with a 1 1/4-inch diameter red plastic cap Marked "J. Thew, PLS No. 050226"
  - (M) Measured Distance
  - (D) Deeded Distance
  - - - 360 Major Contour
  - - - 361 Minor Contour
  - Utility Pole
  - Guy Anchor
  - Water Valve
  - Hydrant
  - Gas Valve
  - Storm Drain Manhole
  - Catch Basin
  - Sanitary Sewer Manhole
  - Water Waterline
  - OHU Overhead Utilities
  - 2" PL Gas 2-inch Plastic Gas Line
  - PVC Polyvinyl Chloride Pipe
  - HDPE High Density Polyethylene
  - RCP Reinforced Concrete Pipe
  - Comm. Buried Communications Line



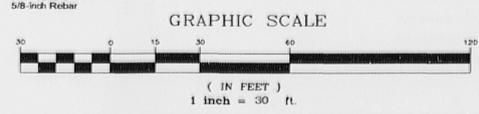
Now or Formerly Property of Wal-Mart Real Estate Business Trust Liber 11308 - Page 73 Tax Parcel No. 4-1-1.1

Now or Formerly Property of Wal-Mart Real Estate Business Trust Liber 11640 - Page 404 Tax Parcel No. 4-1-5.22

Now or Formerly Property of Wal-Mart Real Estate Business Trust Liber 11640 - Page 404 Tax Parcel No. 4-1-5.22

Now or Formerly Property of R & R Partnership Tax Parcel No. 4-1-4 Liber 5058 - Page 119

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.  
Only copies from the original of this survey marked with an original seal shall be considered to be valid and true copies.



The undersigned surveyor hereby certifies to:  
1) Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns;  
2) Harter, Secrest and Emery, LLP, and  
3) Chicago Title Insurance Company or Torco Title Insurance Company, as their interests may appear.

that this map was made from an actual instrument survey of the parcel shown hereon completed on October 10, 2005 and that the survey and map are correct, and is in accordance with the existing code of practice for land surveys, as adopted by the New York State Association of Professional Land Surveyors on July 19, 1985.

*[Signature]*  
Licensed Land Surveyor No. 050378  
Date: 11/30/06

STATE OF NEW YORK  
BRIAN P. DONOVAN  
LICENSED LAND SURVEYOR  
050378

PROJECT NUMBER:  
CK2956B-10-06

Revisions

02	Changed Western Boundary Lines	1/24/07
01	Revised to Comply with Town Checklist	12/21/06

Wal-Mart Real Estate Business Trust  
Final Subdivision Plan  
2.936-Acre Parcel  
Sheet 1 of 2

Town of New Windsor  
County of Orange  
State of New York

**A**  
Thew Associates, PLLC  
Land Surveyors - GPS Consultants

Overall Parcel  
Property of  
Wal-Mart Real Estate Business Trust  
2.936± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Beginning at a 5/8-inch rebar set on the northerly bounds of Limer Road, said rebar being set at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1999 and recorded in the Orange County Clerk's Office on May 13, 1999 in Liber 5058 of Deeds at Page 119, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

thence North 11 degrees 26 minutes 33 seconds West, along the easterly line of R & R Partnership, a distance of 355.28 feet to a 5/8-inch rebar found at a northeasterly corner of R & R Partnership;

thence along the southerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Wal-Mart Real Estate Business Trust by deed dated October 31, 1996 and recorded in the Orange County Clerk's Office on May 5, 2003 in Liber 11038 of Deeds at Page 75, the following courses and distances:

North 10 degrees 12 minutes 26 seconds West a distance of 146.66 feet to a found 5/8-inch rebar;

North 84 degrees 03 minutes 04 seconds East a distance of 427.34 feet to 5/8-inch rebar found on the westerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 8, said rebar also being at the northeasterly corner of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence along the westerly line of Hudson Valley Federal Credit Union, the following courses and distances:

South 16 degrees 11 minutes 08 seconds West a distance of 91.55 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 65 degrees 52 minutes 05 seconds and a radius of 100.00 feet, an arc distance of 114.96 feet (chord: South 49 degrees 07 minutes 11 seconds West, 108.73 feet) to a set 5/8-inch rebar;

South 10 degrees 02 minutes 16 seconds West a distance of 255.92 feet to a 5/8-inch rebar set on the northerly bounds of Limer Road;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of Limer Road, a distance of 216.50 feet to the Point of Beginning.

To contain 2.936 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Property of  
Wal-Mart Real Estate Business Trust  
1.092± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Commencing at a 5/8-inch rebar set on the northerly bounds of Limer Road, said rebar being set at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1999 and recorded in the Orange County Clerk's Office on May 13, 1999 in Liber 5058 of Deeds at Page 119, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

thence North 54 degrees 29 minutes 17 seconds East, along the northerly bounds of Limer Road, a distance of 89.38 feet to a set 5/8-inch rebar, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,883.0 feet North and 608,709.9 feet East, said rebar also being the Point of Beginning;

thence through a parcel of land conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404, the following courses and distances:

along a curve deflecting to the right, having a central angle of 48 degrees 45 minutes 35 seconds and a radius of 56.00 feet, an arc distance of 47.66 feet (chord: North 34 degrees 26 minutes 57 seconds West, 46.23 feet) to a set 5/8-inch rebar;

North 10 degrees 04 minutes 11 seconds West a distance of 123.93 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 24 degrees 45 minutes 49 seconds and a radius of 60.00 feet, an arc distance of 25.93 feet (chord: North 02 degrees 18 minutes 44 seconds East, 25.73 feet) to a set 5/8-inch rebar;

North 14 degrees 41 minutes 46 seconds East a distance of 144.09 feet to a set 5/8-inch rebar;

North 54 degrees 58 minutes 24 seconds East a distance of 19.32 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 50 degrees 01 minutes 36 seconds and a radius of 60.00 feet, an arc distance of 52.39 feet (chord: North 79 degrees 59 minutes 17 seconds East, 50.74 feet) to a set 5/8-inch rebar;

South 75 degrees 00 minutes 00 seconds East a distance of 94.83 feet to a 5/8-inch rebar set on the westerly line of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence South 10 degrees 02 minutes 16 seconds West, along the westerly line of Hudson Valley Federal Credit Union, a distance of 250.55 feet to a 5/8-inch rebar set on the northerly bounds of Limer Road;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of said Limer Road, a distance of 127.12 feet to the Point of Beginning.

To contain 1.092 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Property of  
Wal-Mart Real Estate Business Trust  
1.844± Acres

All that tract or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more precisely described as follows:

Beginning at a 5/8-inch rebar set on the westerly bounds of Limer Road, said rebar being set at the southeasterly corner of a parcel of land conveyed by Rose M. Talbot et al to R & R Partnership by deed dated May 4, 1999 and recorded in the Orange County Clerk's Office on May 13, 1999 in Liber 5058 of Deeds at Page 119, said rebar having New York State plane coordinates (NAD83 - East Zone) of 969,631.1 feet North and 608,637.1 feet East;

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thence along the southerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Wal-Mart Real Estate Business Trust by deed dated October 31, 1996 and recorded in the Orange County Clerk's Office on May 5, 2003 in Liber 11038 of Deeds at Page 75, the following courses and distances:

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North 84 degrees 03 minutes 04 seconds East a distance of 427.34 feet to 5/8-inch rebar found on the westerly line of a parcel of land conveyed by Wal-Mart Stores, Inc. to Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 8, said rebar also being at the northeasterly corner of a parcel of land conveyed by Wal-Mart Stores East, L.P. to Hudson Valley Federal Credit Union by deed dated September 30, 2004 and recorded in the Orange County Clerk's Office on October 19, 2004 in Liber 11646 of Deeds at Page 1232;

thence along the westerly line of Hudson Valley Federal Credit Union, the following courses and distances:

South 16 degrees 11 minutes 08 seconds West a distance of 91.55 feet to a set 5/8-inch rebar;

along a curve deflecting to the right, having a central angle of 65 degrees 52 minutes 05 seconds and a radius of 100.00 feet, an arc distance of 114.96 feet (chord: South 49 degrees 07 minutes 11 seconds West, 108.73 feet) to a set 5/8-inch rebar;

South 10 degrees 02 minutes 16 seconds West a distance of 255.92 feet to a set 5/8-inch rebar;

thence through a parcel of land conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust, by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404, the following courses and distances:

North 75 degrees 00 minutes 00 seconds West a distance of 94.83 feet to a set 5/8-inch rebar;

along a curve deflecting to the left, having a central angle of 50 degrees 01 minutes 36 seconds and a radius of 60.00 feet, an arc distance of 52.39 feet (chord: South 79 degrees 59 minutes 17 seconds East, 50.74 feet) to a set 5/8-inch rebar;

South 54 degrees 58 minutes 24 seconds West a distance of 19.32 feet to a set 5/8-inch rebar;

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along a curve deflecting to the left, having a central angle of 24 degrees 45 minutes 49 seconds and a radius of 60.00 feet, an arc distance of 25.93 feet (chord: South 02 degrees 18 minutes 44 seconds West, 25.73 feet) to a set 5/8-inch rebar;

South 10 degrees 04 minutes 11 seconds East a distance of 123.93 feet to a set 5/8-inch rebar;

along a curve deflecting to the left, having a central angle of 48 degrees 45 minutes 35 seconds and a radius of 56.00 feet, an arc distance of 47.66 feet (chord: South 34 degrees 26 minutes 57 seconds East, 46.23 feet) to a set 5/8-inch rebar;

thence South 54 degrees 29 minutes 17 seconds West, along the northerly bounds of Limer Road, a distance of 89.38 feet to the Point of Beginning.

To contain 1.844 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by L&M Properties, LLC to Wal-Mart Real Estate Business Trust by deed dated September 29, 2004 and recorded in the Orange County Clerk's Office on October 12, 2004 in Liber 11640 of Deeds at Page 404.

The above-mentioned bearings are grid bearings referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

Bulk Data:

Zoning Classification:	C-Commercial		
Uses Allowed by Code:	Retail, Professional Business, Gasoline Service Stations and New/Used Car Sales		
Lot Area	Required 40,000 SF (Min)	Provided 47,568 SF	Variance Requested NA
Lot Width	200'	181'	19' ±
Setbacks	Front 60'	NA	NA
	Side/Total 30 Min. on One Side, 70' Total	NA	NA
	Rear 30'	NA	NA
(*) Variance Required			

Legend:

— — — — —	Existing or Proposed Wal-Mart Property Line
— — — — —	Approximate Town Line
— — — — —	Existing Easement Line
— — — — —	Adjacents Deed Line
— — — — —	Building Setback From Property Line
⊙	Found Iron (Pipe, Rebar, et cetera)
○	Set 5/8-inch Rebar with a 1/4-inch diameter red plastic cap Marked "J. Thew, PLS No. 050226"
(M)	Measured Distance
(D)	Deeded Distance
— — — — —	Major Contour
— — — — —	Minor Contour
⊕	Utility Pole
⊕	Guy Anchor
⊕	Water Valve
⊕	Hydrant
⊕	Gas Valve
⊕	Storm Drain Manhole
⊕	Catch Basin
⊕	Sanitary Sewer Manhole
— — — — —	Waterline
OHU	Overhead Utilities
2" PL Gas	2-inch Plastic Gas Line
PVC	Polyvinyl Chloride Pipe
HDPE	High Density Polyethylene
RCP	Reinforced Concrete Pipe
Comm	Buried Communications Line

Notes Corresponding to Schedule "B"  
of Fidelity National Title Insurance Company Title No. 06-7403-24923-OR  
Bearing an Effective Date of June 10, 2006

- Easement granted to Central Hudson Gas & Electric Corporation by deed recorded in the Orange County Clerk's Office on January 18, 1929 in Liber 693 of Deeds at Page 336. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation by deed recorded in the Orange County Clerk's Office on November 23, 1931 in Liber 724 of Deeds at Page 126. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation, and New York Telephone Company by deed recorded in the Orange County Clerk's Office on April 4, 1932 in Liber 728 of Deeds at Page 39. Blanket in nature, but does not encumber the surveyed premises.
- Easement granted to Central Hudson Gas & Electric Corporation, and New York Telephone Company by deed recorded in the Orange County Clerk's Office on May 13, 1953 in Liber 1287 of Deeds at Page 176. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 6, 1953 and recorded in the Orange County Clerk's Office on September 12, 1953 in Liber 1281 of Deeds at Page 37. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 9, 1953 and recorded in the Orange County Clerk's Office on September 12, 1953 in Liber 1281 of Deeds at Page 39. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated July 9, 1953 and recorded in the Orange County Clerk's Office on April 16, 1959 in Liber 1498 of Deeds at Page 208. Encumbers the surveyed premises, blanket in nature and is not plottable.
- Easement granted to the Central Hudson Gas & Electric Corporation, and to the New York Telephone Company by deed dated May 20, 1960 and recorded in the Orange County Clerk's Office on July 1, 1960 in Liber 1555 of Deeds at Page 540. Blanket in nature, but does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and James Z. Patsalos by deed dated April 8, 1993 and recorded in the Orange County Clerk's Office on July 9, 1993 in Liber 3845 of Deeds at Page 305. does not encumber the surveyed premises.
- Easement between Wal-Mart Real Estate Business Trust and T.L. Cannon Corporation by deed dated November 15, 1991 and recorded in the Orange County Clerk's Office on June 22, 1998 in Liber 4811 of Deeds at Page 169. does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 13. does not encumber the surveyed premises.
- Easement between Wal-Mart Stores, Inc. and Hudson Valley Federal Credit Union by deed dated June 21, 1996 and recorded in the Orange County Clerk's Office on July 17, 1996 in Liber 4415 of Deeds at Page 20. does not encumber the surveyed premises.
- Easement between Town of Newburgh and Wal-Mart Real Estate Business Trust by deed dated October 18, 2004 and recorded in the Orange County Clerk's Office on November 22, 2004 in Liber 11676 of Deeds at Page 1,254. benefits the surveyed premises, but is not plottable.
- Easement between Town of Newburgh and Wal-Mart Real Estate Business Trust by deed dated October 18, 2004 and recorded in the Orange County Clerk's Office on November 22, 2004 in Liber 11676 of Deeds at Page 1,264. benefits the surveyed premises but is not plottable.
- Easement between Wal-Mart Real Estate Business Trust and Hudson Valley Federal Credit Union by deed dated August 11, 2004 and recorded in the Orange County Clerk's Office on February 1, 2004 in Liber 11739 of Deeds at Page 391. benefits the surveyed premises but is not plottable.
- Permanent Easement for Slopes appropriated by the State of New York by deed dated September 13, 1984 and recorded in the Orange County Clerk's Office on June 19, 1985 in Liber 2373 of Deeds at Page 298. does not encumber the surveyed premises and is plotted hereon.
- Permanent Easement for Slopes appropriated by the State of New York per taking map No. 56 Parcel No. 88 dated December 13, 1984. does not encumber the surveyed premises and is plotted hereon.

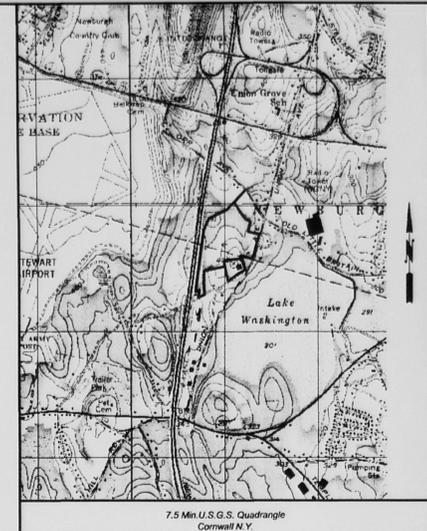
The undersigned surveyor hereby certifies to:

- Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns;
- Hester, Secret and Emery, LLP; and
- Chicago Title Insurance Company or Tior Title Insurance Company, as their interests may appear.

that this map was made from an actual instrument survey of the parcel shown hereon completed on October 10, 2006 and that the survey and map are correct, and is in accordance with the existing code of practice for land surveys as adopted by the New York State Association of Professional Land Surveyors on July 18, 1985.

*[Signature]*  
Licensed Land Surveyor No. 060378 Date 10/16/06

PO Box 463  
6431 US Highway 11  
Canton, New York 13617  
Telephone: 315/386-2776  
Facsimile: 315/386-1012



Reference Drawings:

- Titled "ALTA/ACSM Land Title Survey As-Built Survey", designated as Map Nos. SU-5 and SU-6, prepared by The Seay-Brown Group and dated October 14, 1994.
- Titled "Amoff Stewart Limer Transportation Corp.", designated as Job No. 93-007, prepared by Greys & Hildreth Land Surveyors, P.C. and dated September 7, 1994.
- Titled "Survey - Lands Being Conveyed To Thrinway Union Limited Partnership", designated as drawing No. C-5402, prepared by Eustance & Horowitz, P.C. and dated November 20, 1992.
- Titled "Subdivision For Wal-Mart Stores, Inc.", designated as Project No. 9509 and prepared by Robert D. Kalaska, L.S. and dated February 1, 1996.
- Titled "Lot Line Change - Lands of James Z. Patsalos", designated as Drawing No. A-3393, prepared by Eustance & Horowitz, P.C. and dated August 22, 1986.
- Titled "ALTA/ACSM Land Title Survey, Proposed Wal-Mart Retail Facility Expansion, Lot Line Change", designated as Project No. CK2717-05-03, prepared by Thew Associates, PLLC and dated April 1, 2004, recorded in the Orange County Clerk's Office on December 22, 2004 as Map No. 1005-04.

General Notes:

- This survey referenced horizontally to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone) and vertically to the North American Vertical Datum of 1988 (NAVD88).
- North arrow as shown indicates Grid North referenced to NAD83 and projected on the New York State Plane Coordinate System (East Zone).
- The referenced horizontal control station is a New York State Department of Transportation (NYSDT) monument stamped "STEWART". STEWART is an Order B horizontal station, established by NYSDT in 1995.
- The surveyed parcel as shown hereon lies in zone "C" (areas of minimal flooding) as shown on the FIRMs maps for the Town of Newburgh, bearing Community Panel No. 360827-020-A and an effective date of June 5, 1985 and for the Town of New Windsor, bearing Community Panel No. 360628-0010-B and an effective date of December 15, 1978.
- Contours shown hereon were generated from a Digital Terrain Model utilizing Atodesk Land Desktop Surveying and Engineering Software.
- Location of underground utilities shown hereon were compiled from parcel evidence, record drawings, and physical evidence located during the field survey. Location of underground utilities are not certified by the undersigned surveyor.
- The information shown hereon is based on an instrument survey completed on October 10, 2006.

Wal-Mart Stores East, LP and/or Wal-Mart Real Estate Business Trust, their successors and/or assigns have reviewed and are in agreement with the subdivision parcel lines shown on this plot.

Wal-Mart Real Estate Business Trust Representative	Date
Town of New Windsor Consultant Engineer	Date:
Town of New Windsor Planning Board Person	Date:
Town of New Windsor Code Enforcement	Date:

	DRAWN: CHECKED: SCALE: 1" = 30' DATE: 11/30/06	Wal-Mart Real Estate Business Trust Final Subdivision Plan 2.936-Acre Parcel Sheet 2 of 2 Town of New Windsor County of Orange State of New York Thew Associates, PLLC Land Surveyors - GPS Consultants
	PROJECT NUMBER: CK2956B-10-06 Revisions	PROJECT NUMBER: CK2956B-10-06 Revisions
02 Changed Westerly Boundary Lines 03 Revised to Comply with Town Checklist	1/24/07 12/21/06	1/24/07 12/21/06
REV. DESCRIPTION DATE	REV. DESCRIPTION DATE	REV. DESCRIPTION DATE

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law.  
Only copies from the original of this survey marked with an original seal shall be considered to be valid and true copies.