

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

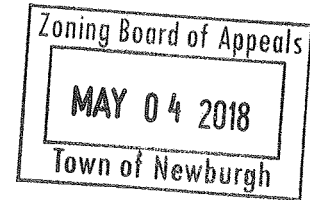
Lisa M. Card
Alana R. Bartley
Aaron C. Fitch
Emily R. Grandolfo
Judith A. Waye

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

May 4, 2018

Via Hand Delivery
Town of Newburgh ZBA
308 Gardnertown Road
Newburgh, New York 12550



Re: Appeal of WCC Tank Technologies
2102 Route 300, Town of Newburgh
Our Matter ID: 5906-68675

Dear ZBA Members:

As you are aware, this office represents 2102 Partners, LLC ("2102 Partners") and WCC Tank Technology, Inc., ("WCC") in regard to the application for an interpretation and/or variance based on the Building Inspector's referral letter of February 1, 2018 and also appealing from the Order to Remedy issued by the Town's Code Enforcement Officer for which a public hearing was held on April 26, 2018. At the public hearing, this Board opted to close the public hearing, but allow a ten day period for the submission of written comment. We submit this letter to clarify certain issues presented at the public hearing.

WCC'S CURRENT APPLICATION AND PREVIOUS ZBA DECISIONS

Our client's application is quite simple. WCC is requesting an interpretation to allow the parking of trucks in a garage on the property or, in the alternative, a use variance allowing for the same. The four hydro evacuation trucks in question are all either owned or leased by WCC. They always have been. They are all used directly in WCC's business. They always have been.

In 1982, William C. Conklin was granted the right to operate a tank lining and repair business on the property. In order to operate such a business, tanks need to be excavated. That was the case in 1982 and it is the case now.

The April 3, 2017 decision by this Board, a copy of which is attached, included the following finding:

"1(c) Did the March 1982 use variance allow the premises to be used for and in support of underground and aboveground fuel storage tank excavation.

The Board finds that the 1982 use variance *did authorize use of the premises for this specific use.*" See Exhibit 1, pg. 6, emphasis added.

This Board's 2017 decision makes it explicit that the 1982 variance included excavation in support of the tank lining and repair business. If there is no question that excavation of tanks is covered under the variance, and it has already been decided that the trucks may not be parked outside, then, unless trucks may be parked inside, the Board's 2017 decision does not make sense. That decision found that excavation of tanks is covered. Tanks are excavated using hydro evacuation trucks. If trucks are not permitted outside and they are not permitted inside, then how can WCC excavate tanks?

USE OF HYDRO EVACUATION TRUCKS IN THE TANK LINING BUSINESS

Certainly, the methods of excavation were different in 1982 than they are now. The difference is that due to changes in how the tanks are constructed, the methods used for digging in 1982 are no longer safe for most tanks. If WCC is not permitted to use hydro evacuation trucks in its tank lining business, its customers will likely call a different company. They will call a company that has the technology to do the job safely and correctly. If WCC is not permitted to use hydro evacuation trucks, they will not be able to operate a tank lining and repair business which they have the undisputed right to do under the 1982 variance and the 2017 decision.

A business operating under a use variance cannot be expected to operate only under the technology available at the time the original variance was granted. Requiring a company to do so will guarantee the company's death upon the first advance of technology. If Louisville Slugger factories were only permitted to manufacture wooden baseball bats because they opened prior to the advent of aluminum bats and because its community did not favor metal manufacturing, they would have had to shutter their doors long ago. If WCC is required to stay in 1982, they will not be able to survive.

PUBLIC COMMENTS AND ALLEGATIONS

At the April 26, 2018 public hearing, this Board heard from several members of the community who expressed their concerns regarding this property generally; however, most of the concerns expressed were entirely unrelated to this application. A few members of the community expressed frustration over the very fact of having a commercial lot in a residential neighborhood. That decision was made in 1982 when the Zoning Board of Appeals granted the original variance. Some expressed frustration over the release of "spoils" on the property which was addressed and ceased a year ago. No one contests the fact that nothing has been "dumped" on the property in well over a year, since the day this Board told them to stop.

Still others contended that the application was nothing more than "smoke and mirrors." Nothing could be further from the truth. This applicant has submitted financial records from its accountant, documents proving ownership of the trucks, a letter terminating Ira Conklin's employment with Hydrovac, and additional documentation is being submitted herewith. Both the owner and President of WCC spoke at length about how, where, and when the business operates.

They answered every question presented by the Board and attempted to answer any question presented by the public. There is no attempt to be anything but open in this process.

Hydrovac, Inc. is no longer operating on the property and everything belonging to that business has been moved off of the property. A copy of the timesheets and records showing the property delivered by WCC to Hydrovac is attached. Any and all crossover between the two businesses including, but not limited to, management, employees, and equipment has ceased. The Board was presented with undated photographs of trucks with the "Hydrovac" name on the property alleged to be taken on April 15, 2018. Please refer to the attached, dated timesheet and delivery paperwork regarding the Hydrovac property. The photographs presented at the public hearing were not taken on April 15, 2018. As you can see from the attached documentation, that property was removed from 2102 Route 300 on April 9, 2018.

As you are aware, after applying for a building permit in hopes of expanding the garage on the property, WCC was referred to this Board by Code Compliance due to the 2017 decision by this Board that held that these trucks could not be parked outside. In a letter submitted on April 25, 2018 by Bloom & Bloom P.C. and during the public hearing, representing James Manley, Attorney Daniel J. Bloom argued that this application should be summarily rejected as having been already decided at during the 2017 application and decision. *See*, pg. 3, Bloom correspondence, April 25, 2018. Mr. Manley made a similar argument when speaking for himself.

Despite those arguments, there has never been a decision by this Board that the trucks could not be parked inside. The 2017 decision by this Board specifically found that the 1982 variance did not authorize "outdoor parking" of the hydro evacuation trucks. In fact, four of the Board's findings specifically relate to "outdoor parking." None of the Board's findings in the 2017 decision specifically relate to "indoor parking" or "parking" generally. That issue was not before the Board nor was it decided by the Board in 2017. Mr. Manley's assertions, on his own behalf and through his attorney, that the 2017 decision addressed the current application are incorrect. As a result, WCC and its representatives believed that they could continue to park their trucks inside.

EXPANSION OF USE UNDER THE 1982 VARIANCE

Despite Hydrovac leaving the property and ending its association with WCC, WCC does still wish to use its trucks in hydro evacuation other than tank lining and repair on occasion which as detailed in the application, is permissible as an expansion of their use under the 1982 use variance. *Angel Plants, Inc. v. Schoenfeld*, 154 A.D.2d 459, 460, 546 N.Y.S.2d 112 (2nd Dept. 1989). Tank lining and repair is their primary business and will continue to be their primary business. They do not seek to allow a second business on the property; however, they are responsible for paying the rent and bills on the property and making payments on their trucks.

The tank lining business is not nearly as robust as it once was. If, on a given day, there are not enough tank jobs to keep all of their trucks and all of their employees busy each day, they would like to respond to other calls and perform other off site hydro evacuation rather than

potentially laying off employees during slow periods. From the perspective of a person living near the property and observing the business from afar, whether three trucks leave in the morning to do tank repair and the fourth leaves to do excavation around someone's basement is completely indistinguishable. The trucks leave in the morning and return empty at the end of the work day. Any expansion of the business would be minor and will not impact the property itself in any way.

**COOPERATION WITH ZBA, CODE COMPLIANCE,
AND THE COMMUNITY**

There have, undoubtedly, been missteps in getting to this application. The operation of Hydrovac on the property without seeking advance approval was one of those missteps. Perhaps some of the concerns of neighbors could have been addressed earlier or differently. However, none of those missteps are currently in front of this Board. Hydrovac is gone and the dumping has ceased. If WCC is allowed to enlarge its garage and continue parking their trucks on the property, they know that they will do so under the watchful eye of the Planning Board, the Code Compliance department, and their neighbors and that further missteps will not go unnoticed.

After receiving the Order to Remedy and evaluating all of their options, WCC filed the instant application. Despite some of the allegations made at the public hearing on this matter, WCC is attempting to work within the Town's laws. When they were asked to stop parking the trucks outside, they did. When they were asked to stop dumping, they did. When they were asked to stop parking their trucks inside, they applied to this Board for an interpretation allowing them to park the trucks inside.

The owner and President of WCC both understand that it is a bit unusual to have a commercial enterprise located in a residential neighborhood. Mr. Conklin has stated that we will comply with requests or conditions established by this Board or by the Planning Board if his application here is approved, to improve the screening and appearance of the property for the neighbors whether that is the planting of trees or installation of fencing. Our client is not trying to skirt the rules. WCC is before this Board in an effort to play by the rules as they have tried to do in the past while still keeping the business afloat and the employees working.

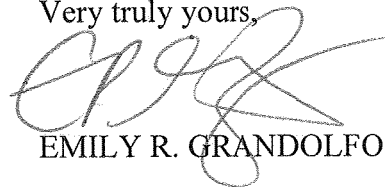
CONCLUSION

This application is simple. The 1982 variance gives WCC the right to operate a tank lining and repair business on the property and the right to expand its garage. WCC is operating a tank lining business. They have trucks that are necessary for that business and they would like to expand their garage in order to park those trucks inside. Just as William C. Conklin had his employees do in 1982, WCC wants to do nothing more than send its employees and equipment out to a job site in the morning and have them return and pull into the garage in the afternoon. The only difference is that in 2018 the trucks look different and the garage needs to be a bit larger.

We ask this Board to put aside issues which are not a part of this application and those which were previously discussed and decided and to consider the straightforward question currently at issue: Does a 1982 use variance allowing the operation of a tank lining and repair business and the expansion of an onsite garage allow an applicant in 2018 to expand its garage and park trucks essential to the tank lining and repair business inside that garage?

For the foregoing reasons and for all of the reasons detailed in WCC's application and discussed by the applicant and its representatives at the Public hearing, this Board should interpret that the 1982 use variance permits the parking of hydro evacuation trucks inside their garage and the use of those trucks for other off site purposes and to allow Code Compliance to issue a building permit to allow for the expansion of their garage to that end. Alternatively, in the event this Board does not find that the interpretation is supported, we ask you to approve WCC's application for a use variance to allow for the use detailed herein.

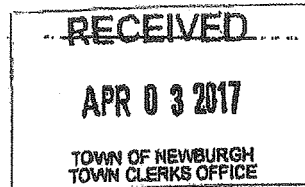
Very truly yours,



EMILY R. GRANDOLFO

ERG/649527

Exhibit "1"



Section 3, Block 1, Lots 21.61 & 21.31

TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

TOWN OF NEWBURGH CODE COMPLIANCE
DEPARTMENT

DECISION

For relief as follows:

- *An interpretation of the extent of the uses that were permitted pursuant to a Decision and Resolution granting a use variance issued by the Town of Newburgh Zoning Board of Appeals dated March 11, 1982.*

-----X

Background

This matter involves the interpretation of the parameters of a 1982 Decision and Resolution issued the Town of Newburgh Zoning Board of Appeals ("ZBA").

Specifically, the Town of Newburgh Code Compliance Department ("Code Compliance") has made application to the Town of Newburgh Zoning Board of Appeals ("ZBA" and/or the "Board") pursuant to Town Code Section 185-54(A)(1) seeking an interpretation "regarding whether the following [enumerated] onsite uses and/or activities which fall within, and [are] permitted under, the use variance granted in the decision¹" dated March 11, 1982. A copy of that Decision and Resolution is appended to this decision.

¹ See Application of Town of Newburgh Code Compliance, dated January 19, 2017.

The Decision and Resolution issued by the ZBA in March of 1982 granted a use variance to permit the operation of a "fuel tank lining business" at premises located off Route 300 on Robles Lane. The said property is identified on the Town Tax Map as Section 3, Block 1, Lot 21.61. It is located in the AR Zoning District.

It appears that business activities have been ongoing on the premises for the 35 +/- years since the issuance of the use variance by the ZBA. Based upon information provided to the Board during the public hearing process, it further appears that, over the course of the past several years, neighbors residing in the vicinity of the property have made complaints to Code Compliance that the activities currently being conducted on the premises are different from and therefore not permitted by the use variance issued by the ZBA in March of 1982.

Code Compliance now seeks guidance from the ZBA as to the scope of the use variance granted in 1982.

The Application Before the Board

In an application dated January 19, 2017, Code Compliance, pursuant to Section 185-54(A)(1) of the Code of the Town of Newburgh, has requested an interpretation regarding whether certain uses and/or activities fall within, and are permitted under, the terms of the use variance. Code Compliance states in their application that they have made no determination as to whether or not the uses for which they now seek guidance are actually occurring on the premises. Rather, the interpretation is requested "in order to decide whether the alleged uses and/or activities are permitted and, if not, whether enforcement action is appropriate, necessary or required."

The specific uses for which Code Compliance seeks guidance on the issue of whether or not they were encompassed by the 1982 use variance are as

follows:

1. The use of the Premises for and in support of the following off-site services:
 - a. Underground and aboveground fuel storage tank reconditioning, including lining;
 - b. Underground and aboveground fuel storage tank testing;
 - c. Underground and aboveground fuel storage tank excavation;
 - d. Underground and aboveground storage tank compliance; and
 - e. Hydro-excavation business.
2. Outdoor storage of heavy equipment, including ploughs, land-grading equipment etc.;
3. Depositing on the surface of the Premises a slurry consisting of soil and related materials that have been liquefied using highly-pressurized water injected into the ground and simultaneously extracted by a powerful combined vacuum and storage device (known as a "Hydrovac,;" which was constructed by Presvac Systems of Burlington, Ontario);
4. Operating of the Hydrovac device on the Premises for the depositing of the soil slurry onto the surface of the Premises with resultant mechanical and operational noise;
5. Outdoor parking of pickup truck(s) operated by a business;
6. Outdoor parking of semi-truck(s) and trailer(s) operated by a business;
7. Outdoor parking of a 2004 Freightliner truck(s) on which is mounted a Hyrovac device;
8. Outdoor presence on the surface of the Premises of storage

containers, shipping containers and the like mobile/portable enclosures designed for storing items and materials; and

9. Outdoor work activities conducted by the employees and agents of the business in furtherance of the uses identified in "1" above.

Materials Considered By the Board

1. Application of Code Compliance dated January 19, 2017 to which the Decision and Resolution issued in March of 1982 was attached ;
2. Submission of Kevin D. Bloom, Esq. counsel for Susan D. Carroll, Lawrence S. Van De Mark and Claudia Van De Mark;
3. Affidavit of Susan D. Carroll duly sworn February 14, 2017;
4. Affidavit of Joan L. Perry duly sworn February 7, 2017;
5. Various photographs of the premises in question which are on file in the ZBA office;
6. Multiple items of correspondence from the public all of which are on file in the office of the ZBA and all of which assert that the use presently made of the premises is different from the use approved by the ZBA in March of 1982;
7. Extensive public comment received during the public hearing;

In rendering the determination herein, the ZBA was not able to review and/or consider the original application seeking the use variance that was ultimately granted in March of 1982 or review and/or consider any materials, such as a site plan, that may have been submitted with the application and would have

assisted *this* Board in determining the exact information considered in 1982 in rendering the use variance as that information could not be located by Code Compliance.² While it would have been helpful to have this information, the Board is constrained to proceed based upon on the information and materials that have been submitted and that are described above.

Public Hearing

A public hearing was held on February 23, 2017 notice of which was published in *The Mid-Hudson Times* and *The Sentinel* and mailed to adjoining property owners as required by Code. Extensive public comment was received and considered by the Board. The minutes of the Board meeting are on file in the ZBA office.

SEQRA

Requests for interpretations are designated as Type II actions under SEQRA. {see 6 NYCRR 617.5(31)} As such, this application is not subject to review under SEQRA.

GML 239 Referral

Requests for interpretations are not required to be referred to the Orange County Planning Department for review and report.

Decision

Prior to addressing each item for which Code Compliance seeks guidance, the Board wishes to repeat and emphasize that it is constrained to render

² See transcript of February 23, 2017 ZBA meeting at pages 2-3.

this Decision based upon the information that has been submitted for consideration which information does *not* encompass the entirety of the information that would have been considered by the ZBA prior to the issuance of the use variance in March of 1982. Subject to this important caveat, and based upon the information given to the Board, and further based upon all of the testimony given at the public hearing and upon consideration of all of the written materials submitted referenced hereinabove, and after due consideration and deliberation, the Board hereby finds and answers the inquiries of Code Compliance as follows:

1(a) Did the March 1982 use variance allow the premises to be used for and in support of underground and aboveground fuel storage tank re-conditioning, including lining?

The Board finds that the 1982 use variance did authorize use of the premises for this specific use.

1(b) Did the March 1982 use variance allow the premises to be used for and in support of fuel storage tank testing?

The Board finds that the 1982 use variance did authorize use of the premises for this specific use.

1(c) Did the March 1982 use variance allow the premises to be used for and in support of underground and aboveground fuel storage tank excavation?

The Board finds that the 1982 use variance did authorize use of the premises for this specific use.

1(d) Did the March 1982 use variance allow the premises to be used for and in support of underground and aboveground fuel storage tank compliance?

The Board finds that it has insufficient evidence to make a determination if the 1982 use variance authorized the use of the premises for this specific use.

1(e) Did the March 1982 use variance allow the premises to be used for and in support of a Hydro-excavation business?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

2. Did the March 1982 use variance allow the premises to be used for and in support of the outdoor storage of heavy equipment, including ploughs, land-grading equipment etc.?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

3. Did the March 1982 use variance allow the premises to be used for and in support of the depositing on the surface of the premises a slurry consisting of soil and related materials that have been liquefied using highly-pressurized water injected into the ground and simultaneously extracted by a powerful combined vacuum and storage device (known as a "Hydrovac," which was constructed by Prosvac Systems of Burlington, Ontario)?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

4. Did the March 1982 use variance allow the premises to be used for and in support of the operation of the Hydrovac device on the premises for the depositing of the soil slurry onto the surface of the premises, with resultant mechanical and operation noise?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

5. Did the March 1982 use variance allow the premises to be used for and in support of the outdoor parking of pickup truck(s) operated by a business?

The Board finds that the 1982 use variance did authorize use of the premises for this specific use.

6. Did the March 1982 use variance allow the premises to be used for and in support of the outdoor parking of semi-truck(s) and trailers) operating for a business?

The Board finds that it has insufficient evidence to make a determination if the 1982 use variance authorized the use of the premises for this specific use.

7. Did the March 1982 use variance allow the premises to be used for and in support of the outdoor parking of a 2004 freightliner truck(s) on which is mounted a Hydovac device?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

8. Did the March 1982 use variance allow the premises to be used for and in support of the outdoor presence on the surface of the premises of storage containers, shipping containers and like mobile/portable enclosures designed for storing items and materials?

The Board finds that the 1982 use variance did not authorize use of the premises for this specific use.

9. Did the March 1982 use variance allow the premises to be used for and in support of outdoor work activities conducted by the employees and agents of the business in furtherance of the uses identified in "1" above?

The Board finds that the 1982 use variance did authorize use of the premises for the specific uses described in connection with items 1(a), 1(b), 1(c) and did not authorize use of the premises for this specific uses described in connection with items 1(d) and 1(e).

The foregoing constitutes the decision of the Board. As reflected in the meeting minutes, each item set forth above was voted on independently and the results of each vote was unanimous among the five (5) Board members who.

were present at the meeting on March 23, 2017 when the vote was held.

Dated: 4/3/17

John McKelvey
John McKelvey, Vice-Chair
Town of Newburgh ZBA

By roll call a motion to adopt the decision was voted as follows:

AYES: Member Darrell Bell
Member John McKelvey
Member John Masten
Member Richard Levin
Member Darrin Scalzo

NAYS: None

ABSENT: Chair James Manley
Member Michael Maher

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

I, BETTY GENNARELLI, Secretary to the Zoning Board of Appeals of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Decision rendered by the Zoning Board at a meeting of said Board held on February 28, 2013.



BETTY GENNARELLI, SECRETARY

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Decision was filed in the Office of the Town Clerk on

APR - 9 2017



ANDREW J. ZARUTSKIE, CLERK

TOWN OF NEWBURGH.

Exhibit "2"

WCC TANK TECHNOLOGY, INC.



P.O. BOX 590 • WALLKILL, NY 12589 • 845-564-9555 • FAX: 845-564-6723

April 27, 2018

To Whom It May Concern:

Please let this letter serve as notification that I am the office manager and I certify that the attached time sheets are record of how employees are paid. The work that was done was to move all Hydrovac Excavating, Inc. equipment listed. See attached equipment list and email for items that were not delivered.

As of the afternoon of April 9, 2018 there were no Hydrovac Excavating, Inc. equipment or records located at 2102 Route 300 Wallkill, NY 12589.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Hogan".

Caitlin Hogan

TIME SHEETS

Date 4/9/18 Company Job# _____ Charge to: stop

Job Location: SMS Customer Job # _____ Customer Purchase Order # _____

Start time _____ Time Arrived on site: _____ Time Left from Site: _____
 Dump start time: _____ Dump finish time: _____ Day End Time: _____ Dump Location: _____

Description of Work Performed: Moving equipment to catch town
* Nitro Dregs to Harmon Sewer to look at fiberglass tank

Equipment Used: _____ Material Used: _____

DATE	JOB NAME OR NUMBER	EMP. NO.	OPER.	HOURS	RATE	AMOUNT	Time On Site:	Time Off Site:
4/9	7-00-930	MW		2 1/2				
4/9	7-9120	B0		2 1/2				
4/9	7-9130	PA	1/2	9				
4/9	7-9120	PT		9				
4/9	7-9120	J		9				

From: **Ira Conklin** hydrovacinc@aol.com
Subject: **Hydro vac equipment delivered to Lattintown Road**
Date: **April 9, 2018 at 12:09 PM**
To: nikenias@quinnemanuel.com, damingocorman@quinnemanuel.com
Cc: case@woblastx.com, **Beth M. Jennings** bjennings@rtgpa.com, **Bill Larkin** W.Larkin@8401aw.com

The highlighted equipment has been or will be delivered by 5PM today to Lattintown Road - see attached highlighted list



Hydrovac
equipm...ad.pdf

the items listed below have not been delivered for the following reasons

Freightliner Truck 17 w/Vac unit - repair shop Campbell freightliner

2014 Cadillac Escalade - traded for 2016 escalade which Donna has

Washer trailer possibly disposed of

Heath Locator tool was used in conjunction with the Servac truck and that truck was disposed of in 2014

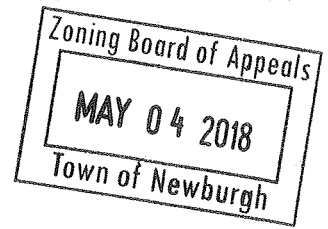
Snow blower was delivered to Patty Cake in 2015

JCB skid steer was sold

Old Bk Asset Detail 1/01/17 - 12/31/17

Asset #	Property Description	Date In Service	Old Bk Cost	Old Bk Sec 179 Exp	Old Bk Bonus Amt	Old Bk Prior Depreciation	Old Bk Curr Depreciation	Old Bk End Degr	Old Bk Net Book Value	Old Bk Method	Old Bk Period
GENERAL AUTOMOTIVE EQUIPMENT											
1	2004 CATERPILLAR TRACTOR	10/10/03	23,400	0	0	23,400	0	23,400	0	S/L	5/00
11	2004 CATERPILLAR TRACTOR	11/01/03	4,000	0	0	4,000	0	4,000	0	S/L	5/00
12	2006 GMC PICKUP	12/20/05	17,234	0	0	17,234	0	17,234	0	S/L	5/00
13	2006 FORD F250 SUPER DUTY F150	12/28/05	74,539	0	0	74,539	0	74,539	0	S/L	5/00
26	2004 GMC CASCADIA	5/21/06	28,068	0	0	28,068	0	28,068	0	S/L	5/00
27	2004 GMC CASCADIA	5/21/06	130,642	0	0	130,642	0	130,642	0	S/L	5/00
28	2004 GMC CASCADIA	5/21/06	284,144	0	0	284,144	0	284,144	0	S/L	5/00
29	2005 GMC CASCADIA	6/15/06	40,481	0	0	40,481	0	40,481	0	S/L	5/00
33	2005 GMC CASCADIA	7/18/07	4,866	0	0	4,866	0	4,866	0	S/L	5/00
35	2009 Ford F250 SUPER DUTY F150	1/03/10	31,227	0	0	31,227	0	31,227	0	S/L	5/00
75	2012 GMC Sierra 1500	9/08/12	42,879	0	0	42,879	0	42,879	0	S/L	5/00
75	2012 GMC Sierra 1500	11/29/13	47,881	0	0	47,881	0	47,881	0	S/L	5/00
84	2013 Ford F250 SUPER DUTY F150	12/15/13	86,827	0	0	86,827	0	86,827	0	S/L	5/00
85	2012 Ford F250 SUPER DUTY F150	11/29/13	51,269	0	0	51,269	0	51,269	0	S/L	5/00
89	2014 Cadillac Escalade	6/30/17	92,917	0	0	92,917	0	92,917	0	S/L	5/00
ATMOTIVE EQUIPMENT											
1 year Depreciation and Transfers											
Net AUTOMOTIVE EQUIPMENT											
			86,827	0	0	86,827	0	86,827	0		
			25,000	0	0	25,000	0	25,000	0		
			86,827	0	0	86,827	0	86,827	0		
GENERAL LEASEHOLD IMPROVEMENTS											
74	Formwork	2/08/11	4,911	0	0	4,911	0	4,911	0	S/L	40/00
LEASEHOLD IMPROVEMENTS											
			4,911	0	0	4,911	0	4,911	0		
GENERAL MACHINERY & EQUIPMENT											
5	2004 FLEISCHMANN HYDROVAC	11/10/03	272,268	0	0	272,268	0	272,268	0	S/L	6/00
9	AIR COMPRESSOR	12/02/04	14,082	0	0	14,082	0	14,082	0	S/L	6/00
18	VIBRATORY ROLLER & ACC	11/23/05	3,367	0	0	3,367	0	3,367	0	S/L	6/00
19	Electrical Shop Mats (1)	6/26/06	2,779	0	0	2,779	0	2,779	0	S/L	7/00
21	1212 Compressor	6/14/06	2,696	0	0	2,696	0	2,696	0	S/L	7/00
22	2-1/2 Pump - 4000	8/15/06	1,296	0	0	1,296	0	1,296	0	S/L	7/00
24	Metal Excavator - Breaker	8/23/06	7,507	0	0	7,507	0	7,507	0	S/L	7/00
25	2-1/2 Water Pump	9/11/06	1,296	0	0	1,296	0	1,296	0	S/L	10/00
30	Generator - 7500	1/12/07	1,000	0	0	1,000	0	1,000	0	S/L	10/00
33	Panel Phone	6/27/07	8,054	0	0	8,054	0	8,054	0	S/L	7/00
34	17' Kobalt Backhoe	10/26/07	741	0	0	741	0	741	0	S/L	7/00
36	Air Gun	10/26/07	1,190	0	0	1,190	0	1,190	0	S/L	7/00
37	Hand Saw	11/16/07	1,893	0	0	1,893	0	1,893	0	S/L	7/00
39	Shoring Box	9/10/08	4,125	0	0	4,125	0	4,125	0	S/L	8/00
41	Line Launcher - Flycatcher	5/20/09	1,209	0	0	1,209	0	1,209	0	S/L	8/00
44	Roller Heater - 4000	9/14/09	1,619	0	0	1,619	0	1,619	0	S/L	8/00
46	Roller Heater - 4000	10/19/09	1,787	0	0	1,787	0	1,787	0	S/L	8/00
49	Roller Heater - 4000	10/22/09	1,402	0	0	1,402	0	1,402	0	S/L	8/00
50	Roller Heater - 4000	12/08/09	597	0	0	597	0	597	0	S/L	8/00
54	Roller Heater - 4000	1/26/10	461	0	0	461	0	461	0	S/L	10/00
58	Roller Heater - 4000	1/26/10	819	0	0	819	0	819	0	S/L	10/00
60	Chaps	2/03/10	1,151	0	0	1,151	0	1,151	0	S/L	10/00

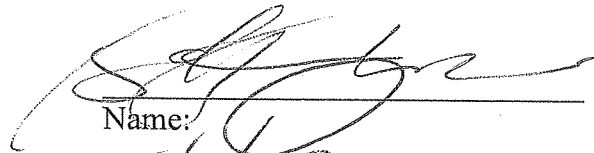
Asset #	Property Description	Date In Service	Old BK Cost	Old BK Sec	Old BK Bonus Amt	Old BK Prior Depreciation	Old BK Cur Depreciation	Old BK End Discr	Old BK Net Book Value	Old BK Method	Old BK Period
MACHERNEY & EQUIPMENT (continued)											
61	Pressure Impact Wrench	5/7/10	1,749	0	0	1,181	174	1,355	284	S/L	10.00
65	Portable air filtration system	5/7/10	1,800	0	0	1,185	160	1,365	415	S/L	10.00
66	Pressure Cabinet Encoder (2)	5/19/10	692	0	0	1,746	265	2,011	641	S/L	10.00
67	Sawblower (arbor) <i>211014</i>	12/14/10	9,080	0	0	657	108	765	15	S/L	10.00
68	Tools - Orange - coring, sand stream	1/01/10	7,186	0	0	5,030	519	5,749	437	S/L	10.00
69	Tools - Orange - road patch cover	1/01/10	2,759	0	0	1,932	276	2,308	551	S/L	10.00
72	Tools - Orange - water tank	1/01/10	1,248	0	0	2,278	334	2,398	650	S/L	10.00
76	Phone - Standard Financial	1/01/12	8,582	0	0	2,152	1,450	8,582	0	S/L	6.80
86	Pressure Impact Wrench	7/30/14	62,256	0	0	25,940	4,333	30,263	31,901	S/L	6.80
87	Pressure Impact Wrench	11/30/13	77,474	0	0	11,988	12,011	36,901	50,573	S/L	6.80
MACHERNEY & EQUIPMENT											
Less: Depreciations and Transfers			500,171	0	0	398,676	21,578	412,352	87,919		
Net MACHERNEY & EQUIPMENT			62,256	0	0	25,940	21,578	30,263	31,901		
			437,915	0	0	364,736	21,576	381,989	53,926		
OFFICE EQUIPMENT											
17	LAPTOP	8/23/05	1,384	0	0	1,384	0	1,384	0	S/L	10.00
38	Office Shelving Unit	9/16/07	5,000	0	0	5,000	0	5,000	0	200DB	7.0
42	Apple Computer	12/19/09	2,133	0	0	2,133	0	2,133	0	S/L	5.00
53	Laptop (MacBook)	2/18/10	1,300	0	0	1,300	0	1,300	0	S/L	5.00
77	Security Cameras	9/06/12	1,524	0	0	1,524	0	1,524	0	S/L	5.00
78	Equipment	10/01/12	1,596	0	0	678	100	838	758	S/L	5.00
80	Apple products	1/06/13	1,419	0	0	1,115	284	1,419	0	S/L	5.00
81	Computer	9/11/13	728	0	0	485	187	631	97	S/L	5.00
87	Food Minis	3/30/14	1,836	0	0	1,071	167	1,438	208	S/L	5.00
OFFICE EQUIPMENT			16,970	0	0	13,507	1,168	15,667	1,233		
Grand Total			1,498,706	25,000	0	1,214,340	94,507	1,308,747	189,959		
Less: Depreciations and Transfers			140,083	0	0	78,036	0	91,042	38,041		
Net Grand Total			1,358,623	25,000	0	1,136,304	94,507	1,217,705	151,918		



ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of the following:

- (1) Letter dated May 4, 2018 to the Town of Newburgh ZBA from DRAKE LOEB PLLC.
- (2) Twelve letters to the ZBA from community members.


Name: _____
5/4/18
Date: _____

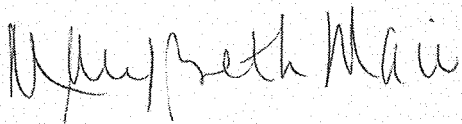
May 3, 2018

I wish to submit the following for the Conklin public hearing which took place on Thursday,
April 26th, 2018:

I would ask that the board NOT allow into record, the pictures that were submitted without a time stamp. With technology, you have to purposely turn off this feature. And the fact that neither party could not even recall what date it was taken, I would assume this was because the dates were not of the truth, this makes this submission absolutely ridiculous.

I would also ask for the board to disregard Jim Manley's award winning speech. Mr. Manley has been less than transparent with this process. If we could rewind back to last year's hearing, Mr. Manley even though not personally present, was on speaker on one of the neighbor's cell phone. Let's also remember how Mr. Manley orchestrated a mailing of about 30 neighbors reaching as far as Ulster County in Highland.

With Mr. Manley being a former board member, I am very disappointed in his actions. Mr. Manley should be held to a higher standard in this regard.



Mary Beth Maio

76 Mayer Drive

Highland NY 12528

BRIAN DEITZ
18 Pleasant Ave
WALKILL, NY 12589

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

I am an employee of WCC Tank Technology. I attended the zoning board meeting and want to confirm our day consists of arriving at the shop, getting our work orders, leaving the shop, performing our work offsite, then returning to the shop for the day with the trucks clean and empty and parked indoors.

Sincerely

A handwritten signature in black ink, appearing to read "Brian Deitz". The signature is stylized with a large initial "B" and a long, sweeping underline that ends in a small flourish.

Chris Cutaia
16 Green St
Kerhonkson NY
12446

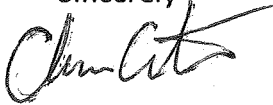
April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

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Sincerely



James Fontaine
333 Brown's Rd
Walden N.Y.
12586

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

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Sincerely

A handwritten signature in cursive script that reads "James Fontaine". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

1 Barbara Gunsch
102 Plate Rd., Apt. W
Modena, N.Y. 12561

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

I am an employee of WCC Tank Technology. I attended the zoning board meeting and want to confirm our day consists of arriving at the shop, getting our work orders, leaving the shop, performing our work offsite, then returning to the shop for the day with the trucks clean and empty and parked indoors.

Sincerely

Barbara Gunsch

Gerald W. Bell
80 Monarch Dr.
Hopewell Jct., N.Y.
12533

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

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Sincerely

A handwritten signature in black ink, appearing to read "Gerald W. Bell". The signature is fluid and cursive, with a large initial "G" and "B".

Brendan Hogan
13 Vinebrook Ave
Cornwall on Hudson NY 12520

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

I am an employee of WCC Tank Technology. I attended the zoning board meeting and want to confirm our day consists of arriving at the shop, getting our work orders, leaving the shop, performing our work offsite, then returning to the shop for the day with the trucks clean and empty and parked indoors.

Sincerely

A handwritten signature in black ink, appearing to be "BH" followed by a stylized flourish.

MICHAEL A. BELLACICCO JR.
1 TOC DRIVE
HIGHLAND N.Y. 12528

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

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Sincerely *Michael A. Bellacicc*

Joseph Toti
1011 Plattekill Ardenia Rd.
Clintondale NY, 12575

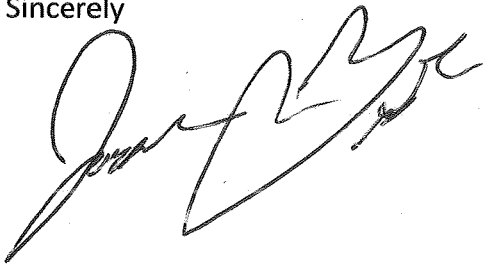
April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

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Sincerely

A handwritten signature in black ink, appearing to read "Joseph Toti". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Michael Bates
66 Ridgewood Dr
Newburgh, NY 12550

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

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Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bates", with a long horizontal line extending to the right.

Dylan Stony
602 Colandrea Rd
Newburgh NY 12550

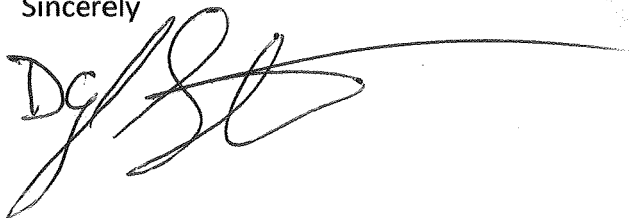
April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

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Sincerely

A handwritten signature in black ink, appearing to read 'Dylan Stony', with a long horizontal flourish extending to the right.

Danny Taylor
1169 Indian Springs RD
Pine Bush NY 12566

April 30, 2018

Town of Newburgh Zoning Board
Newburgh, NY 12550

To Whom It May Concern:

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Sincerely

Danny Taylor