

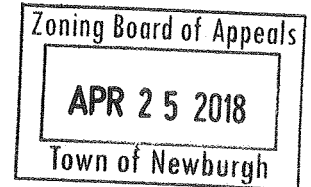
**Lawrence S. Vandemark**

17 Forest Road  
Wallkill, NY 12589  
April 11, 2018

Town of Newburgh ZBA  
308 Gardnertown Road  
Newburgh, NY 12550

**CODE COMPLIANCE  
DEPARTMENT**  
APR 25 2018

**Sign X**



Dear Members:

I am writing to you concerning the application requesting a second interpretation of the interpretation from the March 2017 Decision of the ZBA for 2102 Partners LLC/WCC Tank bordering my property. I own two parcels that border this business and have lived in my home at Forest Rd for 59 years. I stand by my original letter of February 11, 2017 and more strongly oppose this request today. I have seen this second business continue to operate and grow in violation of the Zoning Boards decision of March 2017. In fact, they purchased another Hydrovac Truck after the Zoning Board interpreted that this was not part of the original use variance. This continued violation of the rules and laws shows that the applicant has no regard for our town's laws or regulations. I would appeal to this board that by granting them any added relief that it will only perpetuate their reckless disregard of our zoning laws, further degrade the character of our neighborhood and the remaining character that this neighborhood maintains. The Zoning Board in 1982 in approving the original use variance for William Conklin put in place conditions and limitations to both protect the residents but also grant Mr. William Conklin relief to run his small family tank lining business that at the time was in violation of the zoning law as he was operating on his residential property at the same location. The conditions listed which this Zoning Board ruled did not include Hydrovac Trucks in 1982 and therefore was not permitted as part of the original use variance

whether registered to WCC Tank or Hydrovac Excavating it is not permitted period. In addition, this small family run business in 1982 has since changed in 2005 when William Conklin sold his interest in the business to Robert Dietz. What was once a very small family run business has exploded in size to a multimillion dollar corporation. I am certain the Zoning Board in its wisdom made these conditions in the use variance to insure that the business stayed small and to limit the impact on the neighbors because of the rural character of our neighborhood. Mr. Dietz who took ownership of WCC Tank has brought in Ira D Conklin III as the Vice President a number of years back and this is when all these issues with the business started. Mr. Conklin has a different vision for this property and one that is obviously not consistent with the original use variance. As such we are here yet again a little over a year trying to fight for our zoning rights and having to plead with this board to again stand fast in your prior decision. The reason it is so hard to get use variances and to ask for expanded use variances is evident in what we are currently experiencing. In fact, a search of records of the ZBA decisions has shown that your ZBA has not issued a **USE VARIANCE as far back as 25 years** that I checked. This should offer substantial proof that these types of variances being approved is rare. Residential property should never have to live next to a 24x7 operation and be subject to the type of noise, health, safety and the right to enjoy your property. None of these owners live on the subject property and have to deal with the daily commercial activity. In closing, I would ask each member if they would like to live next to a heavy commercial trucking operation when it should not be in this type of rural residential zone?

Yours truly,



Lawrence S. Vandemark