

considers necessary for the continuation of the use of the BILLBOARD SIGN.

2. Based on its limited review of the matter, the Planning Board makes no recommendation to the ZBA regarding this matter.
3. That the within referral does not relieve the Applicant from compliance with any procedural requirements in making an application to the ZBA for variances, including the payment of any fees and/or escrow impounds due the ZBA by reason of such an application to the ZBA.
4. That the within referral does not relieve the ZBA from compliance with any applicable provision of law, including compliance with the SEQRA.
5. In the event the ZBA favorably acts on the application to be made by the Applicant, the Applicant still needs to secure from the Planning Board any applicable planning board approvals.
6. In the event the Applicant does not make application to the ZBA for the aforementioned variances within ninety (90) days of the date hereof, then the within referral is null and void.

On a motion by C. Najac, seconded by T. Hamilton, and carried by a vote of 7 Ayes, 0 Nays, that the Town of Wallkill Planning Board hereby refers the within matter to the ZBA as provided for herein.

Dated: November 2, 2022

TOWN OF WALLKILL PLANNING BOARD



Vice Chairman

Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on November 10, 2022
A copy of this resolution was filed with the Clerk of the ZBA on November 10, 2022
A copy of this resolution was mailed to the applicant on November 10, 2022

**TOWN OF WALLKILL
PLANNING BOARD**

**PB File No 2022-067
Tax Lot 3-1-35.1**

Referral to ZBA

WHEREAS, an application (“Application”) has been made to the Town of Wallkill Planning Board by Alan Madnick (“Applicant”) seeking approval to construct and operate a warehouse on a certain parcel (hereinafter defined as the “Site”) in the Town of Wallkill; and

WHEREAS, the Site is located at 319-323 Bloomingburg Road and is identified on the Town’s Tax Maps as Lot 35.1 in Block 1 of Section 3, and is located in the Town’s ENT-L Zoning District; and

WHEREAS, the Site contains a BILLBOARD SIGN that appears to be non-conforming and appears not to have grandfathered status under the Town Zoning Code, and the Town Code does not permit the Planning Board to grant the approvals sought by the Applicant without requiring the Applicant to remove the BILLBOARD SIGN as a condition of such approvals; and

WHEREAS, the Applicant desires to obtain from the Zoning Board of Appeals (“ZBA”) such variances and/or interpretations as are necessary to allow for the continuation of the use of the BILLBOARD SIGN in the event the Planning Board issues the Applicant the approvals being sought in connection with his Application before the Planning Board; and

WHEREAS, the Planning Board has not made any determination under SEQRA in connection with this Application; and

WHEREAS, applicable law permits the Planning Board to refer a matter to the ZBA for action, and the Applicant has requested such a referral from the Planning Board,

NOW, THEREFORE, BE IT RESOLVED

1. That the within matter is hereby referred by the Planning Board to the ZBA for the Applicant to make an application to the ZBA for the such relief as the Applicant