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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

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In the Matter of

SERIOTA SITE PLAN  
(2015-18)

NYS Route 17K  
Section 94; Block 1; Lot 61  
IB Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: October 15, 2015  
Time: 7:09 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

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MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. BROWNE: Our next item of business is the Seriota Site Plan, project number 2015-18. This is an initial appearance for a site plan being presented by Ross Winglovitz of Engineering & Surveying Properties.

MR. WINGLOVITZ: Thank you. Good evening. Ross Winglovitz with Engineering Properties on behalf of Greg Seriota regarding his application for re-use of an existing -- it was a warehouse building on Cochection Avenue, and New York State Route 17K, and Willow Avenue. It has three frontages.

What Greg is proposing to do -- what Greg does is he has several trucks that Fed Ex uses basically. Fed Ex doesn't own it's own fleets, they have different people who own portions of their fleet and maintain them. They just pay them mileage so they don't have to maintain their fleets.

All of his trucks are at the Fed Ex facility but he needs a place to service his trucks. Greg is looking to re-use this existing -- it was a warehouse building for service, which is permitted in the IB Zone. He'll probably have

1  
2 two or three trucks on site at a time. They stay  
3 on the Fed Ex property, unless they need service,  
4 then they'll come over here. He'll have two or  
5 three employees.

6 The improvements that he needs to do,  
7 there's other ones obviously you're going to look  
8 for, but he's looking to pave the parking lot,  
9 put a single access off of Cochection Avenue into  
10 the property and then put an overhead door where  
11 the gable end of the existing building is so that  
12 he can take trucks and drive directly into the  
13 building to service them. All the service will  
14 go on inside the building. No service is outside  
15 the building.

16 I said the lot will be paved. We have  
17 parking for employees and parking for the  
18 vehicles that are being serviced on the site.

19 There is an existing well on site.  
20 We're proposing to connect the building to the  
21 water main. We are in the water district based  
22 on what I can see from the tax maps, the tax  
23 bills.

24 There is also sewer in Cochection  
25 Avenue. I did not see that we were in the

1 district. We would like to connect if that would  
2 be possible. There is an existing septic system  
3 that currently services the building.  
4

5 I did get Pat's comments and I'd be  
6 glad to discuss any comments you may have.

7 CHAIRMAN EWASUTYN: Pat, do you want to  
8 take the time to review your comments?

9 MR. HINES: There appears to be a strip  
10 of land owned by the neighbor across the street,  
11 Willow, LLC. It looks like it may -- you're  
12 crossing that with your proposed entrance drive.

13 MR. WINGLOVITZ: That's tax lot 57 that  
14 runs parallel to Cohecton Avenue. That is part  
15 of the property. I'll add that into the notes  
16 that it is part of the property. That is going  
17 to be part of the application.

18 MR. HINES: It doesn't look like the  
19 ownership is the same. In other words, you have  
20 the record owner as Drury Development, LLC. The  
21 strip is owned by 12 Willow, LLC.

22 MR. WINGLOVITZ: It's the same entity.  
23 It's different names but the same owners. He's  
24 in contract to purchase both this lot and lot 57.

25 MR. DONNELLY: Are you going to merge

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them into one?

MR. WINGLOVITZ: We can certainly do that, yes.

MR. HINES: That would solve it.

MR. WINGLOVITZ: Pardon me?

MR. HINES: That solves the issue, a lot consolidation as part of this application.

There are some various stormwater facilities shown on your plan. We're going to need to find out where that all goes.

Currently it looks like there are some drainage issues along the property frontage coming from the west to the front of the site.

MR. WINGLOVITZ: There is a drain that does go from the rear corner of the property along the back where there's a drain that picks up at the bottom of the loading dock. What we couldn't find is one manhole missing somewhere, a structure missing somewhere. It appears that it must be someplace in this area where it connects and then discharges to a swale that comes out to the State highway and enters the State highway system. There's one manhole that's missing that we'll try to find. That connects the dots.

1  
2 MR. HINES: It looks like there's a  
3 significant drainage issue on the 17K frontage.  
4 I saw some aerial photos.

5 MR. WINGLOVITZ: I looked through the  
6 aerial photos and I couldn't see any evidence of  
7 that being under water even after the 2011 photo  
8 or after Hurricane Irene or anything. It was  
9 high and dry in all the photos I saw.

10 MR. HINES: There's a thirty-five foot  
11 landscape buffer required along Route 17K per the  
12 Zoning Code.

13 MR. WINGLOVITZ: Yup.

14 MR. HINES: That will need to be added  
15 to the plans with an appropriate planting scheme  
16 for the Board.

17 Compliance with the design guidelines  
18 should be documented. There's parking currently  
19 proposed in the front yard setback.

20 MR. WINGLOVITZ: That's something we  
21 should probably discuss because there's three  
22 front yard setbacks on this property. Obviously  
23 we have frontage on 17K, Cohecton Avenue and  
24 Willow Avenue. We designated each as a front  
25 yard. There's really no place to park other than

1  
2 in front of the building, which is, I don't  
3 think, where we want to park. I don't know how  
4 that works with the design guidelines.

5 MR. HINES: The Board has allowed some  
6 other mitigation measures, stonewalls, some  
7 screening. It's certainly up to the Board's  
8 discretion but they have worked with applicants.  
9 They are all three front yards because you're at  
10 a three-sided corner lot here. So moving forward  
11 that will have to be addressed to the  
12 satisfaction of the Board.

13 I think the Board is looking for the  
14 commercial properties that have the opportunity  
15 to dress this up. They worked really hard along  
16 the corridor there with some of the car  
17 dealerships that are recently built and proposed  
18 along there. I think we see these applications  
19 as an opportunity to have these sites brought up  
20 into compliance with the design guidelines and  
21 just basically clean these sites up and make sure  
22 they go with that look that the Board has been  
23 working with the other applicants along the  
24 corridor. If you take a look at the design  
25 guidelines and you can propose some other

1 mitigation, if in fact you can't move the parking  
2 out of the front.  
3

4 I couldn't tell but I don't know if the  
5 diesel fuel tank that's proposed is existing or  
6 proposed.

7 MR. WINGLOVITZ: This is a proposed  
8 1,000 gallon tank.

9 MR. HINES: I think we may want to look  
10 -- I know Willow Street is currently a dead end  
11 at that location. That again is located in the  
12 front yard setback of Willow Street. I don't  
13 know if there are other areas on the site where  
14 that can function a little better. It looks like  
15 you're going to be encouraging vehicles to come  
16 off Willow Street to access that.

17 MR. WINGLOVITZ: We are not trying to.  
18 We're paving right up to the property line.  
19 There is existing gravel in Willow Avenue. That  
20 was the previous access into the property. We're  
21 not looking to use that access, we're planning on  
22 using this. It is a Town right-of-way and it  
23 does have gravel right up to our property line.  
24 I don't know if you'd want to put something  
25 there.



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2 MR. HINES: I think the Board will be  
3 looking at some landscaping there. They have the  
4 opportunity to define that traffic with you  
5 before the Board right now. There's some concern  
6 about how much of the site will be utilized for  
7 vehicle parking and --

8 MR. WINGLOVITZ: Where it says Willow  
9 Street Pat, that is actually just a row of trees.  
10 The gravel is either on the right or left of that  
11 as you're looking at the plan. So there's a  
12 little strip of gravel that will be between that  
13 hedgerow or tree row and our property line.  
14 We'll take a look at that.

15 MR. HINES: You can't drive into Willow  
16 Street?

17 MR. WINGLOVITZ: Willow Street is --  
18 it's a paper street.

19 MR. HINES: It looks like it extends  
20 past the site. It looks like it dead ends.

21 MR. WINGLOVITZ: It comes into  
22 Cohecton. Going to the right it's pretty much a  
23 dead end. If you go left where it's actually  
24 called Willow Street, there's a tongue. That  
25 tongue is like a tree row, and then there's

1  
2 gravel on the north side and the south side of  
3 the tree row. It's really almost part of those  
4 two lots.

5 MR. HINES: That tree line should be  
6 shown.

7 MR. WINGLOVITZ: I'll clarify that so  
8 you can see that. That is what that tongue is,  
9 really a tree line and gravel on either side of  
10 it. It's a little bit odd.

11 MR. HINES: Any areas that the vehicles  
12 are going to be utilizing on the site the Town  
13 requires to be paved. I'm not really clear on  
14 where paving -- I see some gravel surface and I  
15 see some paved access drive. Anything where  
16 vehicles are going to be accessing the site, as  
17 these sites are upgraded, needs to be a paved,  
18 dust free surface.

19 MR. WINGLOVITZ: We have no problem  
20 with that.

21 MR. HINES: And that should be defined,  
22 the limits of paving on there.

23 The building is required to be  
24 sprinklered under the Town of Newburgh Code.  
25 You're going to have to take a look at that.

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MR. WINGLOVITZ: Even at 3,000 square feet?

MR. HINES: 2,500 I believe is the threshold.

MR. WINGLOVITZ: Okay.

MR. HINES: There is the ability to seek a waiver from the fire bureau I believe it is. You have the option of pursuing that if you want. I don't know if those waivers have been forthcoming as of late, especially since you are connecting to the Town water system under this proposal. There is that opportunity to meet that portion of the Town Code.

Again, clearly defined access points. What we just discussed on Willow Street, it has to do with that.

Information pertaining to the septic system. I don't know if -- I think your narrative said there would be four employees on the site. The area where you have a reputed septic field is the area where I saw some historic photos that show some pretty good ponding in that area.

MR. WINGLOVITZ: You saw that on

1  
2 Google? I went through the historical photos and  
3 didn't see anything.

4 MR. HINES: I can download them if you  
5 want.

6 MR. WINGLOVITZ: If you would, please.

7 MR. HINES: There's a sign, a  
8 commercial sign. I don't think it's for this site  
9 but it would actually -- it looks like an off-  
10 site sign. I'm not sure if it advertises this  
11 site or a neighboring site.

12 MR. WINGLOVITZ: I believe the site is  
13 in the rear, not this site. We will not need any  
14 signs. They're not proposing any signs. It's a  
15 private facility. These guys know where to go.

16 MR. HINES: At work session some of the  
17 Board Members were concerned with the number of  
18 vehicles that would be staged here. I think  
19 moving forward that if it is four vehicles -- the  
20 diesel fuel tank leads me to believe there will  
21 be larger trucks.

22 MR. WINGLOVITZ: They go up to  
23 twenty-six feet is his largest van basically.  
24 They're the big Fed Ex box vans basically. They  
25 go from the smaller ones up to twenty-six feet.

1  
2 That's the largest ones he has.

3 MR. HINES: I think in conjunction with  
4 a review of the design guidelines, the number of  
5 vehicles to be parked on the site should be  
6 defined and where they are going to park. I know  
7 Jerry is going to talk to the requirements of the  
8 code regarding repair shops as well.

9 That's all we have for our comments at  
10 this point.

11 CHAIRMAN EWASUTYN: Jerry Canfield,  
12 Code Compliance?

13 MR. CANFIELD: Ross, in conjunction  
14 with what Pat was saying about the Board taking a  
15 lot of time and effort to assure that this  
16 corridor is what it's supposed to be, 185-28 of  
17 the Zoning Code deals with repair facilities.  
18 That's what this will be deemed.

19 In addition to what Pat was saying, in  
20 that section it covers vehicle storage, repair of  
21 vehicles, the doors and what's to be stored  
22 outside and what not. It's pretty stringent. I  
23 think the Board is going to be looking for strict  
24 compliance, you know, with that section of the  
25 code.

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2 MR. WINGLOVITZ: Maybe going through  
3 there and making some nice map notes that go on  
4 here so it's very clear we'll comply.

5 MR. CANFIELD: Right. Of course should  
6 you gain approval, it becomes an enforcement  
7 issue from our department. Just like every other  
8 facility of this type, it's monitored.

9 Also I'd just like to talk about the  
10 septic -- the sewer, the Town sewer. Although we  
11 encourage you to hook into the sewer, I would  
12 suggest you double check with Jim Osborne as far  
13 as it's availability in relation to the site.

14 And then also just to reiterate on the  
15 sprinkler requirement. The Town of Newburgh has  
16 a more stringent sprinkler requirement than the  
17 State Fire Code. That's what requires that this  
18 facility be sprinklered even though it is only  
19 3,000 square feet. Being a noncombustible  
20 building, I think it's pretty much open. It will  
21 be relatively inexpensive to put a system in. It  
22 is encouraged to go that route.

23 That's all I have.

24 CHAIRMAN EWASUTYN: Comments from Board  
25 Members. John Ward?

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MR. WARD: My question is the building to 17K, is there anything proposed in that area?

MR. WINGLOVITZ: There's nothing proposed in the front of the building at all. It's basically the existing gravel area will be paved and basically striped to kind of formalize it. There's nothing proposed in front of the building, other than there will be some landscaping proposed.

MR. WARD: We're trying to keep it all coordinated with the strip and we don't want to see trucks parked there.

MR. DOMINICK: How many vans, trucks, vehicles are in the contract with Fed Ex or other companies?

MR. WINGLOVITZ: I don't know the answer to that. I wish my client was here. I know he has many. It's not five. Ten, twenty, thirty. Quite a few. So, you know, his basic thing is he said he'll have three or four for maintenance.

MR. DOMINICK: At a time?

MR. WINGLOVITZ: Yeah. A driver will take a truck over.

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MR. DOMINICK: Will that be on a maintenance schedule or are we also talking breakdowns on the side of the Thruway?

MR. WINGLOVITZ: Breakdowns on the side of the road, a headlight goes out.

MR. DOMINICK: Both situations?

MR. WINGLOVITZ: Yes, both situations.

MR. DOMINICK: That's it, John.

CHAIRMAN EWASUTYN: If something breaks down and they are waiting for parts, that means it's going to be a vehicle that's stored there --

MR. WINGLOVITZ: It could be.

CHAIRMAN EWASUTYN: -- in conjunction with the other activity on the site?

MR. WINGLOVITZ: It could be there for a period of time.

CHAIRMAN EWASUTYN: That's why I think you have to define the total accumulation of vehicles.

MR. WINGLOVITZ: No problem.

MR. WARD: That's why I'm concerned about the front for overflow.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. Basically my



1  
2 gallons apiece, those vans.

3 MR. HINES: Then you have a delivery  
4 vehicle coming. If you go over 1,100 gallons it  
5 becomes a bulk storage permit with DEC, which is  
6 maybe the reason they're staying at the 1,000.

7 MR. CANFIELD: Basically you have to  
8 register with the DEC over 1,100.

9 MR. WINGLOVITZ: The only other issue I  
10 wanted to bring up, and Jerry and I had a brief  
11 discussion about it, is the odd shaped lot and  
12 the fact that there's three front yards. I  
13 looked to guidance in the zoning and I didn't see  
14 anything as far as what does this yard become,  
15 the only yard that's not a front yard. It's just  
16 -- the code talks corner lots, it talks to the  
17 both front yards, the other yards are front and  
18 rear and a side. There's no definition when you  
19 have three front yards what's the remaining yard.  
20 It's important because this yard, if it was a  
21 rear yard, the yard would be just into the  
22 building by a few feet. We defined it as a side  
23 yard because the code didn't require us to do one  
24 or the other. We defined it as a side yard based  
25 on the fact that the primary frontage is really

1  
2 17K and this is a side yard. I just wanted to  
3 make sure that was a reasonable interpretation.  
4 I don't want to get down the road two months and  
5 find out I have to go to the ZBA.

6 MR. CANFIELD: We're okay with it as  
7 it's proposed. It's an existing facility. We do  
8 not see a need for variances. Generally the front  
9 yard is the more restrictive, which the site  
10 complies with. Typically when there's multiple  
11 front yards, it's more restrictive, the front,  
12 and then we give the option to the applicant as  
13 to which is the side and the rear.

14 MR. WINGLOVITZ: Very good.

15 MR. CANFIELD: No, there's no variances  
16 required as the site is.

17 CHAIRMAN EWASUTYN: Okay. Pat, we need  
18 to circulate to the Orange County Planning  
19 Department?

20 MR. HINES: Yes, it being on a State  
21 highway. I don't know if the Board wants to wait  
22 to develop the plans further or if they want to  
23 do it now.

24 CHAIRMAN EWASUTYN: Why don't we wait  
25 to see what your plans look like.

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MR. HINES: County Planning is going to come back with a comment on lighting, I can tell you, if we send them now.

CHAIRMAN EWASUTYN: Do you propose any on-site lighting?

MR. WINGLOVITZ: We were looking at potentially some building mounted lighting on either side of the building.

MR. HINES: I think it's important to develop that landscaping plan in compliance with the design guidelines to see where you're headed with that.

CHAIRMAN EWASUTYN: Dumpster enclosure? A dumpster? No need for a dumpster?

MR. WINGLOVITZ: I'll ask him if he has a need for one.

CHAIRMAN EWASUTYN: I would imagine between parts and cardboard and --

MR. DOMINICK: The hours of operation for this facility?

MR. WINGLOVITZ: Hours of operation. I got the impression from him it's going to be probably Monday through Saturday, 7 to 5. I think it's going to be typically when his fleet

1  
2 is operating. I'll define that with him and get  
3 that on the plan.

4 CHAIRMAN EWASUTYN: Good question,  
5 Dave.

6 MR. DOMINICK: Thank you.

7 CHAIRMAN EWASUTYN: So we'll wait until  
8 we receive revised plans.

9 MR. WINGLOVITZ: Yes. Thank you very  
10 much for your time.

11 CHAIRMAN EWASUTYN: Thank you.

12 I'll move for a motion that we close  
13 the Planning Board meeting of the 15th of  
14 October.

15 MR. GALLI: So moved.

16 MR. WARD: Second.

17 CHAIRMAN EWASUTYN: I have a motion by  
18 Frank Galli and a second by John Ward. I'll ask  
19 for a roll call vote starting with Frank Galli.

20 MR. GALLI: Aye.

21 MR. BROWNE: Aye.

22 MR. DOMINICK: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 (Time noted: 7:30 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: November 1, 2015