

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

October 03, 2018

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on October 3, 2018 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Dave Madden.

Members Absent: John Naumchik, Andrew Britto.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Walter Welch, Building Inspector; Adam McCarey, Fire Inspector; and Gef Chumard, Planning Board Engineer.

The Pledge of Allegiance was said.

Mr. Capozella pointed out that all first-time applicant appearances are considered a preliminary hearing and the Planning Board may or may not choose to act or vote on those applications tonight.

Approval of August 1, 2018 and September 5, 2018 minutes. Motion by Ms. Cid-Morales; seconded by Mr. Madden.

Roll Call Ayes: David Madden, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Anthony Capozella.

Christian Cottler
6-10 Academy Avenue
Car sales/towing

Mr. Capozella: First on the agenda this evening is Christian Cottler, 6-10 Academy Avenue, car sales/towing. Good evening, sir.

Mr. Dillin: Good evening. It's James Dillin representing C&M Auto Body. I'm the preparer of the site plan. We've got a comment letter from your engineer. If

you wanted me to go through that, I could.

Mr. Capozella: Gef, or Mr. Chumard, have they responded?

Mr. Chumard: I have no response so far.

Mr. Capozella: No response.

Mr. Dillin: No response. I want to go through the letter.

Mr. Capozella: Okay.

Mr. Dillin: The engineer wants us possibly to put in seepage pits somewhere in the parking lot. I talked to the design engineer, Joe Gottlieb, on the project, and rather than do that, I think what he's suggesting we do is deepen the existing trenches that we put there by 1', which would be able to store a 1" rain off the roofs. We have it front and back of the building. It's 60' long. And then they would also infiltrate just like a septic system into the ground, so that's what we'd like to propose to the --

Mr. Chumard: My only concern is when you're collecting water right next to a building, you know, sometimes, depending on the ground conditions and how it percolates, it can possibly have a bad effect on the building. Water could expand the soil, and the heave could possibly harm your building. That's why I suggested getting the water away from the building and then dispose of it.

Mr. Dillin: All right.

Mr. Chumard: Deepened by 1' might've worked, but you still have -- you're still collecting water and storing it immediately right next to a building. I'm just -- I'm not sure that's what you want to do in the long run.

Mr. Dillin: Okay. Well --

Mr. Chumard: I'm just suggesting getting water away from the building rather than leaving it right next to the building.

Mr. Dillin: Okay. Well, it is a slab on grade.

Mr. Chumard: Yeah, right.

Mr. Dillin: So there's no water that's ever going to get in the building from that.

Mr. Chumard: No. I know, but you have a foundation of footing and, you know, you could've conceivably, maybe not, conceivably get into a situation where water could freeze and cause the ground to swell and heave if you don't know. I don't know if it would or wouldn't, but usually it might work. Usually, it's a good idea if you get the water away from a building.

Mr. Dillin: Okay. Well, I mean, we could pipe that out, you know, just onto the -- we could make relief right out to the parking lot, and let it just drain off the way it does now because right now the site is almost 100 percent impervious. If the water just runs off, nothing seeps in, but we thought by putting in this drain, this trench that we had, it would take some of the water, or it could possibly take all of the water. I mean, I can -- we can cut it and make it relief and run out the way it does before. I mean, we can relieve it, just grade it out, make it longer.

Mr. Chumard: Well, I don't know. Then you might create an icing condition, you know. You're discharging the downspout onto a paved surface, and it'll run out. It could conceivably result in an icing condition. I don't think you want to try to run drainage to the street. That's kind of a far ways to go. Maybe you don't have to do that.

Mr. Dillin: We would have to do, you know, percolation tests then, and we'd have to make sure, unless we built real heavy strong tanks, that we don't have any trucks go over this because it's going to have a concrete lid on it.

Mr. Chumard: Yeah. Well, you had to have H2O tanks.

Mr. Dillin: Yeah, I know.

Mr. Chumard: I mean, another thought is maybe just to run the water out with perforated drains like similar to a septic field where you have perforated drains surrounded by crushed stone and, you know, that could conceivably do it too. Basically, I have no real objection or reason to believe that the building would fail if you just keep it in a trench next to the building. I'm just suggesting that all things being equal, why not get it away from the building.

Mr. Dillin: Okay. Maybe we could put a trench all the way out with perforated pipe, and then that would --

Mr. Chumard: Yeah. As long as -- if you're concerned about heavy truck traffic

over it, you'd have to think about that too.

Mr. Dillin: Right. I think we could handle it that way though. I could do a redesign for that.

Mr. Chumard: Maybe, you know, if you would want to resubmit that.

Mr. Dillin: Yeah. I could do that.

Mr. Chumard: The other thing I remember seeing is that I think you have some opportunities for some landscaping in there along the building and just -- I know you're using most of the lot for your purpose, I see that, but --

Mr. Cottler: Well, the retaining wall is kind of cut in, which originally had like three pockets of landscaping that would go in there, which I'd be redoing that retaining wall on the outside and reusing those pockets for perennials.

Mr. Chumard: How about along the side of the building?

Mr. Cottler: Yeah. In the front of the building too, there's a basically equal to a parking spot that's going to be available that I can --

Mr. Dillin: Which we can put landscaping in which we didn't show, and we will also put landscaping where we take the tree down. We did put a note on that about that.

Mr. Chumard: Yeah. Well, you know, show it on your plan.

Mr. Dillin: Okay.

Mr. Capozella: Just for the record too, this is a metal building?

Mr. Cottler: Correct.

Mr. Capozella: Okay. Just double checking. Is it going to have a full foundation?

Mr. Cottler: Correct.

Mr. Capozella: Okay. Thank you. Just checking. Before we go any further, we still have -- the public hearing is open. We'd like to have the public have a chance to step forward and make any comments on this application.

Mr. Capozella opened public hearing.

Mr. Dillin: Can I just finish the comments?

Mr. Capozella: Mr. Dillin?

Mr. Dillin: Can I finish the comments before we start?

Mr. Capozella: Sure. Go ahead.

Mr. Dillin: Okay. Gef, there was a note that has to be changed on number 7 from number 6. He had a question about the Short Form Environment, which came back that there was a remediation plan by the DEC. We've contacted the DEC. I have information that I can give you tonight. They made a mistake. They gave us -- they thought we were on Academy Street in Poughkeepsie. That's why they made it positive because I looked up to see if there was anything, so we contacted them and I have a couple letters from that correspondence saying that there's nothing around our site.

Mr. Capozella: Did you bring that letter with you this evening?

Mr. Dillin: Yes, I did.

Mr. Capozella: Do you have a copy of it?

Mr. Dillin: Yeah.

Mr. Capozella: Please give it to our clerk, please.

Mr. Dillin: This is the one that shows Academy Street in Poughkeepsie where the remediation was, and this is saying that there's nothing around us, our site.

Mr. Capozella: Okay. Martina, make sure that Mr. Chumard gets a copy of those two, please.

Clerk: Sure.

Mr. Dillin: I believe that was it. That was it.

Mr. Capozella: Does the EAF now need to be amended again?

Mr. Chumard: It's basically just a typo. We could take care of that.

Mr. Capozella: Okay.

Mr. Chumard: I mean, we did a Part 2 and Part 3 for you. I mean, it's always subject to your review. Just my suggestion, but I don't think that would have to change, is just a couple little minor things as he mentioned in Part 1.

Mr. Capozella: Okay. We'll go back to the public hearing.

Mr. Dillin: Yes.

Mr. Capozella: It's still open. Anyone from the public wishing to comment on this application, please step forward.

The public hearing was closed.

Mr. Capozella: Any board members have any questions or comments? None. Okay. So my understanding seems to be that you just need to have some drainage issues resolved and/or put on your prints.

Mr. Dillin: Modifications. Yes.

Mr. Capozella: Modifications, for the record, on your plans, and the EAF form can be tweaked a little bit so we can sign off on that.

Mr. Chumard: Right. And they're also going to add some landscaping.

Mr. Capozella: Landscaping and drainage. All right. And, of course, before you start any work, if we vote and approve this, you'll have to have all those items in place before you can go through the City process.

Mr. Dillin: Right. Okay.

Mr. Capozella: Understood?

Mr. Dillin: Yes.

Mr. Capozella: Great. On the application for 6-10 Academy Avenue, car sales and towing, based on the slight modification of the EAF, drainage to be put on record

on the plan, and the landscaping also on the plan and any work before the work proceeds, check with the Department of Public Works; all right? Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

On motion of Ms. Cid-Morales and seconded by Mr. Madden that the Middletown Planning Board hereby approves 6-10 Academy Avenue.

Roll Call Ayes: David Madden, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Anthony Capozella.

Johnston Subaru
2-8 James P. Kelly Way
10, 12-14 CR Hwy 78
Public Garage and Motor Vehicle Sales

Mr. Capozella: Next on the agenda is Johnston Subaru, 2-8 James P. Kelly Way, public garage and motor vehicle sales.

Mr. Cappello: Good evening, everyone. John Cappello with Jacobowitz & Gubits here on behalf of the applicant. I also have Andy Fetherston and Stosh Samowski as well as the applicant, Steven Jardine. Really, I believe was it last month we were here before the board. We've been knocking off, you know, the items one by one. A couple weeks ago, we did receive the conditional site plan approval from the Town of Wawayanda. The Town of Wawayanda had the previous month adopted the SEQR negative declaration as lead agency closing out the SEQR process. We clarified all the issues with Orange & Rockland. We're straight with them on the easement. We've also provided an easement agreement as it relates to that access drive for the Mobil station, which ironically is now owned by Sunoco. Just a little side I found amusing. But we've clarified the easements on that. We provided a draft of a stormwater agreement, both to the Town and City, if ever there is any need for the City or Town to address stormwater on the parcel, so I believe we're hopefully ready to go forward, you know, with the approval and address any other remaining conditions and hopefully begin building soon.

Mr. Capozella: Okay. Thank you. The public hearing is still open, so we'll do that first. Anyone from the public wishing to comment on this application, please step forward. No one, so we're going to close the public hearing.

The public hearing was closed.

Anyone on the board have any questions or comments? Okay. I have a resolution here this evening, sir, that I have to read in its entirety.

Mr. Cappello: I'll sit down.

Mr. Capozella: This is a resolution granting special use permit and site plan approval, 2-8 James P. Kelly Way, 10 County Route Highway 78. Whereas, Johnston Subaru filed an application with the City of Middletown Planning Board seeking an approval to open up a car garage and motor vehicle sales of Subaru on 2-8 James P. Kelly Way, 10, 12-14 County Highway 78. Whereas, after due notice, the initial public hearing was held on September the 6th, 2017 at 7:00 p.m. in the Common Council chamber of City Hall, Middletown, New York and remained open for public comment and updates from the applicant June the 6th, 2017, August 1st, 2018, while simultaneously public hearings were held in the Town of Wawayanda, who is lead agency. And whereas, at said hearings all those desired to be heard were heard and their testimony recorded. And whereas, the Planning Board has received written report from the Orange County Department of Planning indicating the Department's belief that the proposed action does not have the potential to cause intermunicipal or countywide impacts. And whereas, the Planning Board has reviewed environmental and engineering submissions as well as site plans, and the Planning Board of the Town of Wawayanda as lead agency has made a negative declaration for purposes of SEQR. And whereas, the Planning Board engineering consultants opined that the applicant's plan, including stormwater drainage and traffic studies, have met all requirements of the special zoning district mandated by the Common Council. Now therefore it be resolved by the Planning Board that its conclusions are as follows.

The proposed complex will be in harmony with the appropriate and order development of the district in which it is situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

The proposed complex will not unreasonably or adversely affect the enjoyment or value of nearby properties nor will it interfere with public health, safety, or welfare.

And it is further resolved by the Planning Board that this application be and hereby granted subject to the following conditions.

Compliance with the City of Middletown Department of Public Works, City of Middletown Fire Department, Commissioner of Public Works, and the Town of Wawayanda Planning Board.

The applicant must complete all erosion control and stormwater management comments to the satisfaction of the Planning Board's engineer and

filing and recording of all necessary paperwork including easements and maintenance of stormwater runoff.

The applicant must comply with the requirements imposed by the County of Orange in the County letter dated June 26th, 2018, except for Condition #3, which the Board discussed at length with the applicant and decided that sidewalks to nowhere are not advisable nor is the City encouraging pedestrian traffic at major intersections, including obtaining all necessary County approvals, complying with Orange & Rockland Utilities' letter dated July the 12th, 2018, including making all the necessary approvals and improvements as requested and required.

The applicant must implement all the County §239 Recommendations, which were issued, if any, in the County letter dated June 26th, 2018.

On that resolution, I need a motion.

On motion of Ms. Hewson and seconded by Mr. Higbie.

Roll Call Ayes: David Madden, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Anthony Capozella.

Jacklyn McGill and Ashlyn Toussaint
39-47 Railroad Avenue
Beauty salon/spa

Mr. Capozella: Next on the agenda this evening is Jacklyn McGill and Ashlyn Toussaint, 39-47 Railroad Avenue, beauty salon/spa. Good evening.

Ms. Toussaint: Hi. So I'm Ashlyn.

Mr. Capozella: Do you have your mailings?

Ms. Toussaint: Yeah, I do.

Mr. Capozella: And I know the ownership endorsement is inside the packet. That's good. Just state your intent, please.

Ms. Toussaint: Okay. So I propose to renovate the building -- well, me and Jacklyn do -- and we want to do a new trend of salon, so I'm assuming everyone has the floor plan. There are individual rooms, and there will be stylists or people who do facials, massage, and they will own their own business and they just rent

from us.

Mr. Capozella: Okay. We will first open the public hearing. Anyone from the public wishing to step forward and comment on this application?

The public hearing was opened.

Okay. We'll leave it open for now. We'll move to the board members. Anyone wishing to make any comments or ask any questions?

Ms. Cid-Morales: I have a question. You said you want to hire independent contractors for each room?

Ms. Toussaint: Yes.

Ms. Cid-Morales: Okay. And each one of them will be licensed?

Ms. Toussaint: Yes.

Ms. Cid-Morales: Okay.

Mr. Madden: Hours of operation and days of week?

Ms. Toussaint: So Sunday through Saturday, 7:00 a.m. to about 11:00 p.m.

Mr. Capozella: 7:00 a.m. through what?

Ms. Toussaint: 11:00 p.m.

Mr. Capozella: 11:00 p.m.

Ms. Toussaint: Mm-hmm.

Mr. Madden: And you're going to be in charge of making sure that they have licenses, or are they going to be their own business entities on each one?

Ms. Toussaint: We will make sure that they're all licensed.

Mr. Madden: So kind of like the business plan over by where Toys R Us is?

Ms. Toussaint: Yeah.

Mr. Madden: In that complex there?

Ms. Toussaint: Yeah. Phenix Suites. It's the same concept as that.

Mr. Capozella: All the items that are listed in your application, are there New York State licenses required for each one of these?

Ms. Toussaint: Yes.

Mr. Capozella: Okay. That's good. So that means whoever is on this list, each one of these professionals will have to have a New York State license.

Ms. Toussaint: Yes.

Ms. Hewson: Will the licenses be hung where the customers can see them?

Ms. Toussaint: They have to be displayed.

Ms. Hewson: Okay.

Mr. Madden: Your site plan describes stylists' parking in the rear of the building?

Ms. Toussaint: Mm-hmm.

Mr. Madden: Right now, that space is occupied by a crane. Is that the space you're considering?

Ms. Toussaint: So we spoke to the landlord, and we told him that we would like for that parking space to be cleared out for the stylists, and then the parking lot that's across the street that's in front of Clemson, if we could use some of that. I know Jacklyn spoke to Maria Bruni, and she spoke out there was I think on the side of the building there's a street sign that's used for like loading, like a loading zone, but that building is empty, so if we can have that sign taken down, we can use that as parking as well.

Mr. Capozella: Well, I don't know about removing the sign, but we will waive parking, the parking requirement, and that will allow you to use municipal parking, so --

Ms. Toussaint: Okay.

Mr. Capozella: That should not be a problem.

Ms. Toussaint: Okay.

Mr. Capozella: Removing the loading zone sign, that is our privy.

Ms. Toussaint: Okay. Well, she met with Maria Bruni, and they spoke about the loading zone, so --

Mr. Capozella: Signage is up to the Common Council and where they locate signs for parking, so that would be another -- something you have to do through them.

Ms. Toussaint: All right.

Mr. Capozella: Not us.

Ms. Toussaint: Okay.

Ms. Hewson: I have a question for Mr. McCarey. As far as fire inspection, is there any special license they have to have to have certain products or store certain products, or have you --

Mr. McCarey: Are there going to be any nail techs?

Ms. Toussaint: I'm sorry?

Mr. McCarey: Nail techs.

Ms. Toussaint: Oh. There could be nail techs.

Ms. Hewson: The only concern I have about that would be ventilation, so --

Mr. McCarey: Yes.

Ms. Hewson: Definitely ventilation would have to --

Mr. Capozella: Just for a point of record, your application does not mention nails.

Ms. Toussaint: Okay. I mean, there really aren't that many nail techs in Phenix. I don't even think there is any, so we're probably not going to --

Mr. Capozella: Okay.

Mr. McCarey: Just say you're not going to have them.

Ms. Toussaint: Okay. We're not going to have them.

Mr. Capozella: Mr. McCarey?

Mr. McCarey: Is there any handicapped access planned?

Ms. Toussaint: To get inside the building? Well, it's on the second floor, so I know there's an elevator within the building, but the land -- yeah, no. The landlord doesn't want -- he doesn't want to use that, and obviously it's not up to par, so no.

Mr. McCarey: Walter, is that a problem, ADA compliance?

Mr. Welch: No. It's (inaudible) an existing condition within the building.

Mr. Madden: I have a question about the parking, eight to ten spaces.

Ms. Toussaint: Yeah.

Mr. Madden: Is that in your lease that you will have those eight to ten spaces?

Ms. Toussaint: We will put that in the lease. Yes.

Mr. Madden: It is in the lease.

Ms. Toussaint: Yes.

Mr. Madden: Do you have a lease?

Ms. Toussaint: No. We didn't create a lease yet. We did a lease proposal, so it's in the lease proposal.

Mr. Madden: All right.

Mr. Capozella: Another question for Mr. McCarey.

Mr. Madden: They're proposing a fire escape from a window onto a roof of a

lower building. Is that sufficient for a second floor commercial space?

Mr. McCarey: No. New York State doesn't allow fire escapes anymore. They have to be freestanding stairwells, so we're going to have to figure -- is that going onto an existing roof?

Ms. Toussaint: Yeah.

Mr. McCarey: That's not going to be approved at all.

Mr. Capozella: Is that a tenant issue or a landlord issue?

Mr. McCarey: That's up to their landlord lease agreement.

Mr. Capozella: Okay. Keep that in mind in your lease agreement.

Ms. Toussaint: Okay. He's the one providing it. He'll provide us with it.

Mr. Madden: Where are the steps going up to the main entrance? Like is there a stairwell?

Ms. Toussaint: Yes. There's a stairwell. It's on Montgomery Street.

Mr. Madden: And that's -- but that's not shown in your plan here. That would be on the side near the waiting room?

Ms. Toussaint: Yes.

Mr. Madden: You don't share the stairwell. That's exclusive use.

Ms. Toussaint: No.

Mr. Madden: So it's its own stairwell.

Ms. Toussaint: Yes.

Ms. Hewson: So there is going to be a fire escape that's going to be built, or --

Ms. Toussaint: We spoke with the landlord about building a fire escape on the opposite side of the entrance.

Ms. Hewson: Okay.

Ms. Toussaint: It will -- he's going to create like a --

Mr. McCarey: But now that would be going into the alleyway for your parking; right?

Ms. Toussaint: Yes.

Mr. McCarey: So you would reduce that alleyway with --

Mr. Welch: But they can waive parking.

Ms. Hewson: Yeah. It would take away parking.

Mr. McCarey: Right. But they're not going to be able to use that for anything else because that fire stairwell has -- it's certain dimensions. It's going to come out pretty far.

Ms. Toussaint: Okay.

Mr. McCarey: Because it has to be freestanding. Basically, the building can fall down and that thing is still going to stand.

Ms. Toussaint: Okay. All right.

Mr. McCarey: And that we can handle within --

Mr. Capozella: Right. Well, that would be part of the Building Inspector and Fire Inspector's review and approvals when you go to get your permits.

Ms. Toussaint: Okay.

Mr. Capozella: Just to let you know.

Ms. Toussaint: All right.

Mr. Capozella: Okay?

Ms. Hewson: It's a really ingenious concept. I just have a couple more questions about it.

Ms. Toussaint: Yeah. Go ahead.

Ms. Hewson: Okay. How often will you be leasing these rooms out? Will it be like by the month, by the day?

Ms. Toussaint: We planning on doing it by month.

Ms. Hewson: Monthly. Okay.

Ms. Toussaint: We don't want to lock anyone into contracts.

Ms. Hewson: Okay.

Mr. Madden: Is there anything that's going to be permanent, or is your lease a month-to-month lease?

Ms. Toussaint: Our lease or --

Mr. Madden: Your proposed lease with the landlord.

Ms. Toussaint: It'll be permanent.

Mr. Madden: But yet your occupants in there are going to be on a monthly basis?

Ms. Toussaint: Well, that's how -- because I work in one, so (inaudible) month to month, and we just, we want to, you know, compare it to -- yeah.

Ms. Cid-Morales: I just had one question.

Ms. Toussaint: Yes.

Ms. Cid-Morales: Will you be here?

Ms. Toussaint: Will I be here?

Ms. Cid-Morales: Yeah. Working.

Ms. Toussaint: Working? No. Jacklyn will be.

Mr. Madden: That concept, they have rooms for it. Like you go into a barbershop,

it's the same concept. They're renting the chair from the person who runs the barbershop itself. They have that landlord lease agreement with the property owner, and then it's up to them to keep the chairs filled. So if she can't keep the rooms filled, she's still going to be subject to (inaudible) the lease agreement. It's going to be independent of each other.

Mr. McCarey: You're going to be installing new windows in this facility?

Ms. Toussaint: Yes.

Mr. McCarey: Because they're all, I believe, blocked up.

Ms. Toussaint: The landlord will be.

Mr. McCarey: Okay. And is this in the Architectural Review Board area?

Mr. Capozella: I don't think it's –[checking application]- it is in the DMU Zone, so we'll put in the resolution that they need to follow all Architectural Review Board recommendations.

Mr. Madden: Are you going to have sliding doors? Is that the plan?

Ms. Toussaint: Barn doors. Yeah.

Mr. Madden: Barn doors?

Ms. Toussaint: Yeah. They're called barn doors.

Mr. Capozella: One of the things we always double check on is that you mentioned massage therapist in your application.

Ms. Toussaint: Mm-hmm.

Mr. Capozella: They'll be licensed also?

Ms. Toussaint: Yes.

Mr. Capozella: And whatever New York State requires or expects of the therapists, that's what we'll expect.

Ms. Toussaint: Yes.

Ms. Hewson: I'm just curious, but how is insurance -- I mean, that won't affect my decision, but how will insurance be obtained for --

Ms. Toussaint: They would have to obtain their own insurance.

Ms. Hewson: They will.

Ms. Toussaint: Mm-hmm.

Ms. Hewson: Okay. And do you guys have your own as well?

Ms. Toussaint: Yes. We will have our own.

Mr. Capozella: Okay. Any other questions from the board members? Okay. I'm going to go back to the public just momentarily. It's still open. Anyone from the public wishing to comment on this application, please step forward.

The public hearing was closed.

Mr. Capozella: Give the board members a last shot. Any questions or comments?

Mr. Madden: What's the -- you have the hallway with -- where the one section -- you have a short hallway here. What's the hallway with in this area?

Ms. Toussaint: That would be --

Mr. Madden: Like how wide is that?

Ms. Toussaint: I want to say it's 4', but it's not on that either.

Mr. Madden: 4' as well?

Ms. Toussaint: Yes.

Mr. Capozella: Okay. Anyone else? All right.

On the resolution for the application of 39-47 Railroad Avenue, beauty salon and spa, hours of operation Sunday through Saturday, 7:00 a.m. to 11:00 p.m. You are in the DMU Zone, so you'll have to follow all Architectural Review Board recommendations. You'll have to go before the board for any exterior work that

you do on the building; okay? Each item that's been listed in your application -- hair stylist, massage therapist, wax technicians -- and pronounce that one for me -- Estheticians.

Ms. Toussaint: Estheticians.

Mr. Capozella: Estheticians, right. Will follow all New York State licensing rules and regulations and, of course, everyone within your building will be New York State licensed. We'll waive parking because you don't have adequate parking, but you are allowed to use municipal parking and, of course, this will be under the approval of the Department of Public Works, Middletown Fire Department, and the permitting process of the City of Middletown.

On motion of Mr. Madden and seconded by Mr. Higbie.

Roll Call Ayes: David Madden, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Anthony Capozella.

Shai Malul

23-27 West Main Street

Residential apartments (3rd and 4th floor) -- PRELIMINARY HEARING

Peter Cirillo, architect, representing the owner. They are looking to develop four apartments on the 3rd and 4th floors of the above property. Property is in the DMU Zone so would need a special use permit and site plan approval. A grant has already been received to remove the metal panels on the front façade of the building once the building is purchased. Just looking for conceptual approval at this point.

Motion to adjourn by Mr. Madden, seconded by Mr. Higbie.

Adjourned 7:35PM

Respectfully Submitted,

Diane Genender, Transcriber