

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

August 07, 2019

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on August 7, 2019 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, John Naumchik, Vanessa Cid-Morales, Dan Higbie, Dave Madden, Andy Britto.

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

Members Absent: Nicole Hewson.

The Pledge of Allegiance was said.

Motion to approve the July 3, 2019 minutes by Mr. Higbie, seconded by Mr. Britto.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

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

Bryce Goddard
183 West Main Street
extending hours of operation at the existing hobby shop

Mr. Capozella: Please explain. First of all, do you have any mailings this evening?

Mr. Goddard: Yes.

Mr. Capozella: Okay, sir. Please go ahead.

Mr. Goddard: Hi. As I was here a few months ago and got approved, the store is doing relatively well for being new, and I just wanted to extend my hours of operation because a lot of people are walk-ins, like they're walk-ins, so they're not necessarily available at the times that I'm open, so I wanted to accommodate for that too, and as of right now, I have a healthy eight to 12 people that come to the shop that actually play in the tournaments, not including the walk-ins that come later in the day or very early in the day, so it's just been -- it's been decent so far.

Mr. Capozella: Okay.

Mr. Goddard: I just wanted to extend from 12:00 -- basically open at 12:00 every day instead of 5:00.

Mr. Capozella: All right. Just so that everyone's clear, I'm just going to read the change request that's on your application just to verify.

Mr. Goddard: Yup.

Mr. Capozella: Okay. We have store hours as follows: Sunday, 12:00 p.m. to 9:00 p.m.

Mr. Goddard: Yup.

Mr. Capozella: Monday, 12:00 p.m. to 10:00 p.m.

Mr. Goddard: Yes.

Mr. Capozella: Tuesday, 12:00 p.m. to 10:00 p.m.

Mr. Goddard: Yes.

Mr. Capozella: Wednesday, 12:00 p.m. to 10:00 p.m.; Thursday, 12:00 p.m. to 10:00 p.m.

Mr. Goddard: Yes.

Mr. Capozella: Friday, 12:00 p.m. to 12:00 p.m.

Mr. Goddard: Yes.

Mr. Capozella: I think you mean a.m.

Mr. Goddard: 12:00 a.m. Yeah.

Mr. Capozella: Okay. That's why we read these off -- you're open 24 hours a day. Saturday, 12:00 p.m. to 11:00 p.m.

Mr. Goddard: Yes.

Mr. Capozella: Okay. So those are the hours that you'd like to change.

Mr. Goddard: Yes.

Mr. Capozella: Okay. So before we go any further, I'd like to open the public hearing. Anyone present that wishes to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: We'll hold the public hearing open and we'll go to the board for any questions or comments.

Mr. Croughan: Do we know if any complaints have been lodged by any neighbors?

Mr. Capozella: I have not been given any as a record.

Mr. Goddard: Also, I haven't heard anything. There's been a -- the closest thing that I've had to a complaint is when I accidentally was blocking one of the tenant's upstairs, because I recently parked my car and I was going back to it, but she came as I was just parked, so that's about it. There hasn't been an overflow. There's been roughly two, maybe four cars in the allotted spaces. Most of them carpool, like I said before -- what I said before. They usually carpool, so one car will have like four people on average -- three or four.

Mr. Croughan: You just have to make sure you can't block access, sir.

Mr. Goddard: Yeah. It was a driveway. For some reason, I don't know I didn't like -- I made a mistake.

Mr. Capozella: Mr. McCarey?

Mr. McCarey: Yeah. Nothing through code enforcement at all.

Mr. Capozella: Nothing? Okay. That's a good sign. Mr. Britto?

Mr. Britto: Are you looking to extend your services in any other way, food, drink, anything like that, or just the same?

Mr. Goddard: No. Yeah, just the same. Nothing that I would require anything extra.

Mr. Capozella: Okay. The only one that catches my attention is the Friday one that goes to midnight.

Mr. Goddard: Yes.

Mr. Capozella: You are in a sort of a residential area, and 11:00 I thought was reasonable because of that. I don't know if that would put a hardship on you to make it no later than 11:00.

Mr. Goddard: For the games that I would be hosting, sometimes they have things -- Magic: The Gathering has a thing called midnight releases. Generally speaking, there hasn't been any noise. I actually talked to a tenant upstairs. He can't hear me, and I'm not playing loud music either, but I tell everybody be respectful of the surroundings, which they usually are, and the door's closed so there's nothing loud. The loudest thing that we have is cars that drive by with their music on realistically.

Mr. Capozella: Okay.

Mr. Goddard: But yeah. That's the only reason why I changed it to 12:00 is to accommodate for Magic: The Gathering and their rules for hosting parties.

Mr. Capozella: Okay. Any other questions from the board or comments? All right. I have to go back to the public hearing then. Anyone from the public wishing to address this application, please step forward. Since no one decided to step forward, we're going to close the public hearing.

The public hearing was closed.

Mr. Capozella: I'll give the board another shot. Any questions or comments? Okay.

On the resolution for a change of hours or update of hours for 183 West Main Street, the store hours will be as follows: Sunday, 12:00 p.m. to 9:00 p.m.; Monday, 12:00 p.m. to 10:00 p.m., Tuesday, 12:00 p.m. to 10:00 p.m.; Wednesday, 12:00 p.m. to 10:00 p.m.; Thursday, 12:00 p.m. to 10:00 p.m.; Friday, 12:00 p.m. to 12:00 a.m.; Saturday, 12:00 p.m. to 11:00 p.m. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and State of New York, if applicable.

Motion to Mr. Britto, seconded by Mr. Higbie.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

Judith A. Perrino
43-51 Midland Avenue Ext.
powder coating shop

Mr. Capozella: Please state your name for the record.

Mr. Perrino: Gabriel Perrino, P-e-r-r-i-n-o. This is my wife, Judith. She owns the company. We've been doing this for 10 years, four years in Jersey, five years up here. We're now out on 17M in the Town of Wallkill, so we looked for a bigger space, and Mr. Carbone has a bigger space over there, and that's what we're here for, to be able to do powder coating over there. If you remember, I think at the end of the road in that big building they did powder coating there at one time, and now there's Ezgo in there, golf carts, so we're right in the building before on the right-hand side.

Mr. Capozella: Okay. Thank you. Let the record show that the mailings have been handed in. I do have them. Our transcriptionist and our clerk are not here tonight, so I'm probably going to say things I don't normally say just so they can pick up on it in the recordings.

All right. Thank you. The first thing that I'd like to do is open the public hearing. Anyone from the public wishing to speak about this application, please step forward.

The public hearing was opened.

Mr. Capozella: We'll go to the board, leave the public hearing open, go to the board for questions and comments. Mr. Naumchik.

Mr. Naumchik: It has here current zoning industrial. Do you know what zone it is? Is it I-1, I-2?

Mr. Perrino: You mean what the powder coating is?

Mr. Naumchik: Yes, sir.

Mr. Perrino: It's light commercial. It's not anything, you know, to do with --

Mr. Naumchik: Do you know, Adam, if it's I-1 or I-2?

Mr. McCarey: (Inaudible).

Mr. Naumchik: What would be your hours of operation?

Mr. Perrino: 8:30 to 6:00, six days.

Mr. Naumchik: Is the public coming?

Mr. Perrino: Very rarely. I have a lot of commercial. That's mainly -- 90 percent of the business is commercial trucks, you know, commercial -- fellows that build a railing, home railing, commercial railing, awnings, outside awnings. We do work for, you know, a lot of awning companies, change colors, things like that, you know.

Mr. Naumchik: And all the work will be done inside this building.

Mr. Perrino: Oh, yeah.

Mr. Naumchik: There's no changing of walls. You're not working on cars.

Mr. Perrino: Oh, no, no, no.

Mr. Naumchik: Okay. All right. Thank you.

Mr. Perrino: Okay.

Mr. Capozella: Just for the record, sir, just tell them -- just mention to the board what a powder coating process is so they understand.

Mr. Perrino: It's actually a polyester form of powder that's sprayed out of a gun in the booth -- in a contained booth with the doors closed -- onto whatever you're doing -- aluminum, steel, you know, anything like that, and it's baked on, and that's the end of the process. It's, you know, pretty simple.

Mr. Capozella: Okay. Mr. McCarey, would that require any special forms of ventilation?

Mr. McCarey: Yeah. I have a packet here put together for the New York State Fire Code on powder coating, § 2406, that you'll have to follow.

Mr. Perrino: Mm-hmm.

Mr. McCarey: And the chemicals that you're going to be -- are you going to use toxic, are they flammable?

Mr. Perrino: What's that, chemicals?

Mr. McCarey: Right.

Mr. Perrino: No. The powder itself? No.

Mr. McCarey: Well, do you dip the product in a solution before you powder coat it?

Mr. Perrino: No.

Mr. McCarey: So it's just sprayed --

Mr. Perrino: Sand it, clean it, sand it.

Mr. McCarey: Is there a commercial style spray booth for that?

Mr. Perrino: Yeah. It's in there. Yeah. Oh, absolutely.

Mr. Capozella: Oh, the spray booth is present.

Mr. Perrino: The spray booth is in there. Yeah.

Mr. McCarey: And you understand if that booth is not up to today's code, just because it was already in existence since the use was new, compared to what's in a building which has been vacant, you're going to be subject to all the requirements as of today.

Mr. Perrino: Correct. No problem. Previously it was used for when Bucky Neiger's body shop burned down, Bucky moved across the street and that's where he went. He was there for a year and painted cars in there, and now we're just painting -- powder coating.

Mr. McCarey: I don't believe he was painting cars in there other than the repair.

Mr. Perrino: Oh, he was just repairing? Oh, okay.

Mr. Capozella: Well, that would be subject to, as I read in the resolution, that would be subject to Middletown Fire Department.

Mr. Perrino: Right.

Mr. McCarey: If you'll just give me a second, Chairman, I'm just going to look up the zone so we have that.

Mr. Capozella: Sure. We're just going to continue. I'm going to go back to the public hearing real quick. I'm going to go back to the public hearing. Anyone from the public wishing to address this application, please step forward. No one stepping forward to comment then, I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Coming back to the board for comments and questions one more time. Yes, Mr. Naumchik.

Mr. Naumchik: On the parking, I see here you have four spots for customers and three for employees.

Mr. Perrino: Right.

Mr. Naumchik: Is that enough?

Mr. Perrino: Yeah.

Mr. Naumchik: Are they marked there? Because I didn't see it.

Mr. Perrino: Yeah. Probably underneath the containers. We moved all the containers out of the way and started doing that, cleaning up. It looks a lot better.

Mr. Naumchik: All right.

Mr. Capozella: Just so everyone knows, I went by the property Sunday, and the containers he has not moved as of Sunday. I didn't go by today.

Mr. Perrino: Well, no. The containers that were in the driveway, like near the building, moved those, got all the trucks out.

Mr. Capozella: Right.

Mr. Perrino: Yeah. That's all pulled out, so now we have to move the ones in the front.

Mr. Capozella: So I'm not quite sure -- I know that's not your problem.

Mr. Perrino: Correct.

Mr. Capozella: That is the landlord's problem, but in order to make it look like your submitted site plan, it should look like that.

Mr. Perrino: Exactly.

Mr. Capozella: It certainly doesn't.

Mr. Perrino: Exactly.

Mr. Capozella: I mean, you can't even see the sign 43-51 Midland Avenue on there. I don't know if it should be or could be subject to. That's not this type of issue.

Mr. Croughan: It's not, but the applicant can put pressure on the owner because you are giving him only a conditional approval subject to.

Mr. Perrino: Yeah. I don't think there's a problem with him, you know, if I go to him and say, listen, John, you've got to move that because that's what they want. I

don't think that's an issue at all. They've been shuffling things around there, moving things, cleaning. They have to clean one place to move containers over and things like that so, you know, I'm going to see him in the morning and I'll tell him this is what they want and this is what you have to do.

Mr. Capozella: And that's what we're going to do. We're going make it conditional.

Mr. Croughan: Subject to a final inspection.

Mr. Capozella: Final inspection so that everything looks like the site plan here and all of the storage containers are properly stored as -- don't forget, he came here earlier, years ago, with a site plan to say where things were going to be. They're not where they're supposed to be at the moment.

Mr. Perrino: Right.

Mr. Capozella: He has the total front of the building blocked, and you know, for your business, it's not right.

Mr. Perrino: Right. (Inaudible) issue, but I'll see him in the morning and tell him you're going to be by.

Mr. Capozella: Right. Just so you know, we're going to make it conditional on that, okay, and you can tell him that. I actually called Mr. Carbone to make sure that he would help you along.

Mr. Perrino: Okay. Thank you.

Mr. McCarey: For the record, it's in I-2.

Mr. Capozella: Pardon me?

Mr. McCarey: I-2 zone.

Mr. Capozella: I-2 zone.

Mr. Perrino: What's that, industrial?

Mr. Capozella: Yes.

Mr. Naumchik: There's different industrials that allow certain things. It is allowed.

Mr. Capozella: Okay. Then for the record, this application under current zoning district is I-2.

Mr. Croughan: And it's a permitted use under the zone.

Mr. Capozella: Yes. Okay. Any other questions or comments from the board?

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

Mr. Capozella: Yes.

Ms. Cid-Morales: You don't need proper certification for the employees, do you?

Mr. Perrino: Do I need -- I'm sorry?

Ms. Cid-Morales: Any certification or training for the employees?

Mr. Perrino: My grandson has been with us for all these years and has been trained.

Ms. Cid-Morales: Okay.

Mr. Perrino: You know, what, four-day seminar, five-day seminar. Yeah.

Ms. Cid-Morales: Okay.

Mr. Capozella: Are you referring to a state licensing or --

Ms. Cid-Morales: Yes.

Mr. Perrino: No, no. There is no state licensing. No. But he, you know, fulfilled the whole thing there for four days and got a certificate. He knows what he's doing.

Mr. Croughan: Is there a gate that can be locked or --

Mr. Capozella: I don't think the gate can be locked because Mr. Carbone also operates a container business out of there. It's a shared space.

Mr. Naumchik: (Inaudible) all the way back to the 55 building as well.

Mr. Croughan: Adam, any concern about turnaround or fire apparatus there?

Mr. McCarey: No. That's already been addressed for that property.

Resolution for 43-51 Midland Avenue Extension for powder coating process, hours of operation will be from 8:30 a.m. to 6:00 p.m, and it's Monday through Saturday, and we're going to make it conditional on the landlord cleaning the property as per your site plan, that you have proper parking allocated, and the business is clean in the front. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and State of New York, if applicable.

Motion by Mr. Madden, seconded by Mr. Britto.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

**Roy and Vicki Brachfeld
13 Bedford Avenue
garage**

Mr. Brachfeld: Good evening.

Mr. Capozella: Good evening. Yes, we have the mailings according to our clerk. Thank you. Please state your name.

Mr. Brachfeld: Roy Brachfeld.

Mr. Capozella: And your intentions, please.

Mr. Brachfeld: My intention is to put a garage on the back of my property for my trucks.

Mr. Capozella: And we received a revised site plan from Mr. Brachfeld. Do you have any questions further on the --

Mr. Croughan: No. I called the County. The new section, block, and lot is 45-1-16.2.

Mr. McCarey: Is there a list of which parcels were put together for that?

Mr. Capozella: Yes. We have a complete list of parcels they put together. We have the tax form from the County, the whole nine yards.

All right. We're going to start, just for the record, we do have the mailings. Secondly, we're going to open the public hearing. Anyone from the public wishing to comment on this application, please step forward.

The public hearing was opened.

Mr. Capozella: No one coming forward. We're going to leave the public hearing open and move onto comments and questions from our board members. Mr. Madden.

Mr. Madden: Is your garage dimensions going to be 100' x 50'?

Mr. Brachfeld: That's correct.

Mr. Madden: And do those dimensions allow proper setbacks from additional or adjoining properties?

Mr. Brachfeld: Yes, they do.

Mr. Naumchik: Which I believe was a minimum of 5' off each bordering property.

Mr. Madden: I'm sorry. I couldn't hear that.

Mr. Naumchik: I said I believe it was 5' off of each bordering parcel.

Mr. Madden: Okay.

Mr. Capozella: That will also be doublechecked by our building inspector when you guys are ready.

Mr. Brachfeld: Sure.

Mr. Capozella: Okay. They'll get a permit and they'll make sure everything is proper.

Mr. Madden: And additionally, what's the height of the building?

Mr. Brachfeld: 16'.

Mr. Higbie: Is it a steel frame building or --

Mr. Brachfeld: A pole barn type of building.

Mr. Higbie: Okay. Obviously with heat?

Mr. Brachfeld: We're not sure yet.

Mr. Higbie: You're not sure yet.

Mr. Brachfeld: We don't know if we're going to need heat or not. (Inaudible) we'll add a couple (inaudible), but we just don't know at this point if it's going to need it or not.

Mr. Naumchik: How many trucks are going to be in the -- are you estimating?

Mr. Brachfeld: Eight.

Mr. Naumchik: You're not doing any work on any of these trucks while they're in there, they're just for storage.

Mr. Brachfeld: Just for storage, so they're not in the weather. That's it.

Mr. Capozella: Mr. McCarey, do you have a revised site plan?

Mr. McCarey: I was the one that brought them tonight, but yes. I met with Mr. Brachfeld earlier today about the garage, and he's aware of all the restrictions on the building and the fire code, and it's more than enough.

Mr. Capozella: Okay, great. Did you note in your application that you are talking about six trucks, you built is where you can fit in there legally.

Mr. Brachfeld: Well, yeah, we have more than that, but some of the guys take them home, so we just don't know, but say they're leaving it overnight, snow, we just want to have the ability to park them inside.

Mr. Capozella: Okay.

Mr. Brachfeld: All right? And then we have trailers, you know, lifts that will go in there as well just for storage.

Mr. Capozella: All right. We'll go back to the public hearing. Anyone from the public wishing to address this application, please step forward. No one came forward. We're going to close the public hearing.

The public hearing was closed.

Mr. Capozella: I'll give the board members another shot with questions or comments. Mr. Naumchik.

Mr. Naumchik: Are you going to be doing any lighting or anything outside around the buildings?

Mr. Brachfeld: Yeah. We'll have (inaudible).

Mr. McCarey: LED wall packs, sort of what's on the building now.

Mr. Naumchik: Is there any neighbors next to you, housing?

Mr. Brachfeld: No housing next to us. It's all commercial.

Mr. Naumchik: Okay. It is all commercial. Great. Just want to make sure that they're not shining on anybody's property.

Mr. Britto: And do we have to have specific hours that it'll be in use, or is it they can use them --

Mr. Capozella: I don't think so in this case. They're a security company, and so they'll be working when they work. They get calls. I don't know if he can give me hours of operations.

Mr. Britto: You know, if there's mostly commercial around them, then I don't think --

Mr. McCarey: The building itself has the business. This is just a storage garage, so there's actually no hours of operation. They're not going to be running a business out of that shed or garage.

Mr. Higbie: How about fencing? Are you doing any kind of --

Mr. Brachfeld: The fence is all there.

Mr. Higbie: The fence is already there.

Mr. Brachfeld: It's all fenced in, so the fence runs the whole property line.

Mr. Higbie: Yeah, yeah. I knew there was in the front but --

Mr. Brachfeld: It goes around the whole thing.

Mr. Capozella: And I do see there's on the -- you have a proposed drywell with oil separator, so you're going to have a drain inside the floor.

Mr. Brachfeld: That's our game plan.

Mr. Capozella: You can properly handle anything that comes off the trucks.

Mr. Brachfeld: That's correct.

Mr. Capozella: That's good. Excellent.

Mr. Brachfeld: Yeah. I met with the Commissioner on that.

Mr. Capozella: Okay. Anything else from our board members? Okay.

Resolution for 13 Bedford Avenue for a pole barn/garage for storage of the business's trucks, there will be no repairs made at this location, it'll be storage. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and State of New York, if applicable.

Motion by Mr. Britto, seconded by Mr. Higbie.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

Kevin M. Hudson
205 & 207 Monhagen Avenue
café

Mr. Capozella: Do you have your mailings, sir?

Mr. Hudson: Yes, I do.

Mr. Capozella: For the record, we have received the mailings. Okay, Mr. Hudson. Please state your name.

Mr. Hudson: Yes. My name is Kevin M. Hudson. I'm here as the agent and representing (Inaudible) Lee and Mr. Kai Jen. The property is at 205 and 207 Monhagen Ave. It's in a C-2 zone, and prior use of the building was a used car dealership that has been out of operation for several years. It has been abandoned. They purchased the building, and they would like to receive permission on special use and the site plan to open a small café.

The hours of operation we request is Sunday through Saturday, each day 0700 hours to 2200 hours.

Mr. Capozella: What's that in English?

Mr. Hudson: 7:00 a.m. to 10:00 p.m. And the operation probably would run from 9:00 p.m., but they don't know what, you know, cleanup and whatever may be.

Mr. Capozella: No. That's fine.

Mr. Hudson: I gave you the first picture here, I gave you a picture of existing building and aerial view. I also gave you the map location and also I gave you a drawing of what the building looks like at this point, and the exterior of the building's not being changed other than on the -- looking at the building, facing the building on the right side, there is a small bump out. That would probably be removed, which is shown on the proposed floor plan.

We have an existing floor plan that had, well, you can't really tell everything that it had, but it had an existing bath in the rear, centrally located. It had an existing mechanical room to the left here, storage behind that. Also to the right, there's existing storage there. It looks like it was cold storage or something. I don't really know what it was. And they had like a kitchen area or something to the right. There's a lot of plumbing there.

It's proposed to keep the entrance the same location. We're asking for a few tables, not that many, because they don't feel it's going to be that busy, so we're

looking at like possibly three tables on the way in on the entrance to the right, a display case, and then the employee work station. Behind that would be a counter which would house the coffee machines, cappuccino machines and stuff like that, and they do juices, coffees, teas, and finger foods. There's nothing to be cooked or baked on premises. Everything will be purchased and brought in from the outside. It'll be stored there, but nothing cooked or heated, you know, prepared there other than coffee and tea.

Also, we're proposing to put in a new bathroom, centrally located, which would be ADA compliant to the current building codes, and also there is a 6" step down from the right side to the left side of the building, and we're proposing -- they're going to install a handicapped ramp there. I believe it's 11.5°, approximately 4'4" out, 4' wide, and at the end of the ramp, we'll also have the ADA compliant space for wheelchair turnaround and accessibility. We're proposing a table possibly to the front, table to the rear, and also a counter space or stool-type style counter space on the left side for like -- they feel college students or high school students might go there. Like any café, they may sit there and use their laptop or tablet to do their homework or whatever.

Also, we're proposing where the existing bathroom is to put in a new mechanical room to have separate utilities for this unit, separate and apart from the existing apartment upstairs. There's a small apartment upstairs.

Mr. Naumchik: That was my next question. I see you have 10 parking, but I don't see a plan for the upstairs.

Mr. Hudson: Yeah. There's an existing in-use apartment up there on the second floor. It's like an efficiency-style apartment. I spoke with the building inspector regarding that already, and he, you know, of course we'll meet all the codes, fire codes and the building codes. He just requests the double 5/8 drywall for the ceilings and all that as protection.

Mr. Naumchik: But you don't have it on the plan there, the plan for the upstairs apartment that's already existing?

Mr. Hudson: No, because we're not touching that. We're not doing anything to it. It's already existing and usable.

Mr. Naumchik: Is there a tenant in there now?

Mr. Hudson: I believe they have a tenant in there. I don't know currently if the tenant's still in there, but it doesn't even need to be painted. It's all finished.

Mr. Naumchik: Where's the entrance to it?

Mr. Hudson: The apartment in the rear, the entrance is in the rear.

Mr. Naumchik: Where is it on this map?

Mr. Hudson: On the existing and proposed, you see where the rear existing storage is to the left?

Mr. Naumchik: Yes.

Mr. Hudson: And there's poor drawing of the stairwell there, the stairway, but there's stairs up at that location that go up to that apartment. And they go out, and on the site plan I show it where it comes down to the parking area. They have a paved parking lot.

Mr. Capozella: Just for general knowledge, any occupancy will be determined by the Fire Department and the building inspector. In the restaurant, how many tables, people, that'll all be determined by the square footage by our fire inspector and building inspector. And the same thing is true of the apartment. It'll be inspected and they'll tell you what the occupancy, what it should conform to.

Mr. Hudson: Right.

Mr. Capozella: Before we get in depth, I have a little bit more I'd like to offer. I want to open the public hearing so that anyone from the public wishing to address this application can step forward.

The public hearing was opened.

Mr. Capozella: Moving on, back to the comments and questions of the board. Go ahead, Mr. McCarey.

Mr. McCarey: On your site plan where the grass section is, that would be the staircase going out from the second floor apartment?

Mr. Hudson: Yes.

Mr. McCarey: And that goes -- are those the actual step goes right to the parking spot?

Mr. Hudson: They go -- they end I believe like a few inches before the paved area. The parking spots proposed in the rear, they probably only need one tenant parking spot, but there's room enough to put two.

Mr. McCarey: That was my next question. What are the dimensions of the spots, and then this parking space number 2, what is the dimension from the end of that parking space to the actual building itself or to the grass area where you actually can drive? And I notice that you have the ADA compliant bathrooms and they're going to put the ramp in, but I didn't see any dimensions or handicapped spots in your parking plan.

Mr. Hudson: Yes. We didn't address that. I felt that the inspector, building inspector, would tell us where they would require --

Mr. McCarey: So all the spaces are 9'x18' including the tenants' parking?

Mr. Hudson: They're actually a little wider. That's a 22' wide area, 1 and 2, so they're -- basically you can do 9' wide and you would have a 3' over space.

Mr. McCarey: You need to show the handicapped space. Which one is handicapped?

Mr. Naumchik: Does this meet the code for 8 spaces (inaudible) employee parking?

Mr. Hudson: When I spoke with the building inspector, he said we only needed a few spaces because the building itself is so small that you're not going to be able to have that many tables, and they don't expect that much, you know, business where they're going to have a lot of cars. They think they may have more walk-in than cars because of the school or whatever exists behind the building.

Mr. McCarey: Yeah. And I also noticed that you had spillover parking, which I guess -- is that all gravel back there? How many cars do you expect put in the spillover, you know, is there going to be 100 cars in there because there's a big event, or what (inaudible)?

Mr. Hudson: They're not planning on any events. The spillover parking -- the previous owner had put gravel back there. I gather he parked his cars all over in the rear, just gravel and dirt back there exists and it's a little sparse, but what the owners wanted to was put a little gravel back there, if necessary, for any spillover parking. They're not expecting any extra parking because they're not expecting to

hold any special events, but I suggested that, you know, it could be used if necessary.

Mr. Capozella: Okay. I have a question. Your number 1 spot actually goes in the sidewalk. Your dimension here is probably very close to the sidewalk.

Mr. Hudson: Oh, the first parking spot, yeah. The customer parking.

Mr. Capozella: Yes. You may have to revise this plan. You also show arrows in and out. I assume they're going to be painted on the blacktop?

Mr. Hudson: Yes.

Mr. Capozella: And, of course, the entire thing will be striped.

Mr. Hudson: Yes.

Mr. Capozella: Just so everyone knows, this has been blacktopped already.

Mr. Hudson: Yes.

Mr. Capozella: I hope you haven't done it prematurely because blacktop on sidewalks is frowned upon by the Commissioner of Public Works. You're the representative, I have to tell you. What's transpired here may upset him and because that might've been a concrete sidewalk. Again, that's why we have an approval process, and that's why we have an inspection process and we go through the whole thing.

They have cleaned it up greatly. I do not dispute that, but they might've gone a little too far a little too quickly.

Mr. Hudson: Was there sidewalks there in front of the building, because I don't recall it because I wasn't there.

Mr. Capozella: I can tell you that there was probably minimal sidewalks. They're broken up. They were blacktop, they were concrete. This was the same issue we had with the gentleman that owned the property previously.

Mr. Hudson: Do you require sidewalks in front of it?

Mr. Capozella: We may. Again, that may be a Commissioner of Public Works call.

Mr. Hudson: Right. And I'm sure they'll do that if necessary.

Mr. Capozella: If they meet the criteria. I'm not -- I'm just trying to be up front with you; okay? Just to let you know that; all right? Right now, it is all grass. There's very little gravel. It is all grass, so if they plan on doing something, then obviously they would have to bring gravel in. That's up to them. But at the moment, the site plan does need to be revised. Parking spaces may have to be changed, and tenant parking and there is a distance issue between one of your circled parking here, 2, and the actual building itself to get by. That might be an issue you just can work out with measurements.

Mr. Hudson: Right, right. Okay.

Mr. Capozella: Any other board members have any comments?

Mr. Naumchik: Yes.

Mr. Capozella: Mr. Naumchik.

Mr. Naumchik: What about lighting?

Mr. Hudson: There's existing lighting there on the telephone pole -- utility pole in the front to the left. There's an existing large light there. I don't know if it's LED -- I don't know what type it was -- that exists, and I believe the gentleman before must've used it to shine on his parking, his used car lot. Also on the building, there's also spotlights in the rear corner to the left, and in the back of the building there's some spotlights.

Mr. Naumchik: You should show that on the plan too then.

Mr. Hudson: Okay.

Mr. McCarey: That utility pole is a private pole then, not Orange & Rockland's.

Mr. Hudson: I did not check that out. I just know that the lighting was there, so I could check into seeing if that's their private pole.

Mr. Naumchik: Do you know what the hours of operation will be for this café?

Mr. Hudson: They propose 7:00 a.m. till 10:00 p.m.

Mr. Higbie: I'm not sure how the rest of the board feels, but the whole spillover parking is something that's hard for us to, you know -- is it parking, is it not parking? If you go by there now, you talk about gravel, but it's pretty much grass, but I would like to see that, you know, we could take that off.

Mr. Hudson: Right. Take off that parking.

Mr. Capozella: There's a stonewall that abuts this property.

Mr. Hudson: To the left.

Mr. Capozella: And in the back and to the right. That wall is down. I don't see it drawn here. Does this property possess that wall, or is that your neighbor's wall?

Mr. Hudson: I do not know that.

Mr. Capozella: Okay.

Mr. Hudson: I can check on that.

Mr. Capozella: All right. Maybe our code enforcement people can figure out whose wall -- the wall is falling over.

Mr. Hudson: Right.

Mr. Capozella: You guys have a fieldstone wall in the rear? It's pretty fancy stone.

Mr. Hudson: Oh, part of the State Hospital.

Mr. Capozella: Maybe the County. Maybe Fei Tian College? I'm not sure who owns it.

Mr. Croughan: Adam, firetrucks for turnaround and for access to the rear, is that what we discussed for them using that possible parking spot there?

Mr. McCarey: Well, I'd have to actually go to the site, but I believe that the distance from the building to the road would meet that requirement. I mean, it's approximately a foot off from what the minimum is, but the height of the building is not in question, so I think we'll be all right without an inspection.

Mr. Naumchik: Tony, do we need a layout of the apartment, the efficiency apartment, or not?

Mr. Capozella: I don't think so. The apartment is existing, but it will be forced to be under new code, so when Mr. McCarey or Mr. Welch visit the property, they'll have to conform to all those codes and regulations, which is why I try to put in the resolution now all permits, permitting processes, codes, and ordinances, so no matter what happens, they need to respect it and it'll have to meet the approvals one way or the other.

Mr. McCarey: Yeah. That would be under the rental permit through DPW and housing. Before a tenant goes in there, a permit will have to be issued.

Mr. Hudson: Okay.

Mr. Capozella: All right. I'm going to go back to the public hearing. Anyone from the public wishing to address this application, please step forward. For the record, no one stepped forward to comment. I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Go back to the board for questions and comments one more time.

Mr. Hudson, I think we'd like you to revise your site plan because it has to have ADA parking. It has to have some proper dimensions in relationship to what's actually there. You're going to decide on spillover parking or not. That needs to be finalized, and in the meantime, this will give our inspectors a chance to take a closer look at it and our Commissioner of Public Works can take a closer look at it. You have to address the sidewalk issue.

Mr. Hudson: One question. For the ADA parking, who will set how many spots will be required? Is it by the tables?

Mr. Capozella: Code.

Mr. Hudson: I can go to the building inspector.

Mr. Capozella: Someone will be able to help you out with the number of spaces and number of ADA.

Mr. Hudson: Okay.

Mr. Capozella: In the space in between the building and prospective parking.

Mr. Hudson: Right.

Mr. Capozella: Okay. And if you would just include, we don't approve or disapprove, but the second floor apartment, just put a drawing or a schematic just so we know that it exists.

Mr. Hudson: Okay. I'll do a sketch of the square footage and what's in that unit, what it consists of, obviously a bathroom and --

Mr. Capozella: Our goal of the Planning Board mostly is site, not so much interior, but the interior does give us an idea of what would take place or parking, and it would also help our inspectors.

Did you want to ask your question though about cross-easement?

Mr. Croughan: Is there going to be anything else in there that you're going to need cross-easement with the adjoining property?

Mr. Hudson: No.

Mr. Croughan: So all the parking is self-contained?

Mr. Hudson: Yes. They own 205 and 207. It's two separate lots. The structure itself rests on 205. The majority of the parking rests on -- I'm sorry. I got that backwards. 205 is the parking, 207 is the structure. That's the line in the center of the drawing.

Mr. Capozella: That wasn't clearly marked either, so that would help us too. There's no subdivision going to take place there, is there?

Mr. Naumchik: That's what I was thinking too. It has to be subdivided into one lot.

Mr. Croughan: He would want to unsubdivide it.

Mr. Capozella: Yeah. It's the same owner for 205 and 207, I assume.

Mr. Hudson: Yes. And they're not expecting to do anything else with it. They just want to keep it as planned.

Mr. Croughan: You might want to consider making it just one lot.

Mr. Hudson: Is that a requirement?

Mr. Croughan: Well, it's not a requirement, but if your parking is contained on another lot and they're accessing the main lot, there may be a cross-easement that you may need between the two lots.

Mr. McCarey: If that second lot is sold, then your parking will be gone.

Mr. Capozella: Well, when we give the approval for 205 and 207, it wouldn't matter if they sold one or the other. It would be the same approval. They wouldn't be able to operate one thing apart of the other without our approval again. They would lose their right.

Mr. Croughan: Well, they wouldn't have the parking requirements required to operate 207.

Mr. Capozella: They would lose their approval.

Mr. Croughan: You'd probably want to put something in there with the approvals stating that since they are on two separate lots.

Mr. Capozella: Okay. Well, we'll think about that because I'm going to offer a motion to adjourn for future consideration.

Mr. Naumchik: Walter would (inaudible) on that if it needs to be -- go into one (inaudible).

Mr. Capozella: Okay. And by that time, we can -- 30 days from now we can have those answers possibly.

Mr. Hudson: Yes.

Mr. Capozella: Okay?

Mr. Hudson: All right.

Motion to adjourn for future consideration Mr. Naumchik, seconded by Ms. Cid-Morales.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

Eliezer Altman

32-48 Cottage Street
warehouse and packaging facility

Mr. Capozella: Just for the record, we do have our mailings. How are you doing this evening, sir? Please state your name for the record and your intent

Mr. Altman: Eliezer Altman is my name, and we have over there a warehouse that we use to do storage and (inaudible).

Mr. Capozella: I'm going to open the public hearing first. Anyone from the public wishing to address this application, please step forward.

The public hearing was opened.

Mr. Capozella: We can move on to the board for questions and comments, leave the public hearing open. Any questions or comments from the board?

Mr. Croughan: I had a question about trying to keep the parking centralized so that the parking for employees is not spread out all over. I know that it's a large lot with a large parking area, but if emergency vehicles needed access and the cars are sporadically parked, it could present a problem.

Mr. Capozella: There is kind of a parking area there.

Mr. Altman: A small one.

Mr. Capozella: It's a small parking area that has signs on it from the former user of the property.

Mr. Altman: It's not for the former. It's for visitors and for the CEO/COO. It's only for the -- the signs say for the visitors, CEO, COO, and CFO. The employee's parking is all the way by the end of the lot, the other employees.

Mr. Capozella: Yes, Mr. Madden.

Mr. Madden: I can't see on the site plan anywhere where the parking is and how

will it relate to truck traffic that might be accessing this warehouse.

Mr. McCarey: Right now in that lot area, there's old foundations from the old Orange County Plumbing, and they're just parking wherever at that point. If they're going to use that back building, the cars that I saw there yesterday would be, you know, prohibiting that access because there's also a fence on Montgomery Street as well, but you can't access this property.

Mr. Capozella: Right. Where do you plan on having the main entrance, sir?

Mr. Altman: There is an entrance from Montgomery Street too that we can open. The fence has a door on Montgomery Street.

Mr. McCarey: There was already a curb cut for that off the sidewalk?

Mr. Altman: Yeah. And there is (inaudible) from there. I'm planning to have it open when they're going to come over there and use it for packing. I plan to open this gate too.

Mr. Capozella: Do you own the entire facility?

Mr. Altman: Yes.

Mr. Capozella: Both buildings?

Mr. Altman: There is three buildings.

Mr. Capozella: Three buildings. Sorry. Three buildings. What would be your hours of operation?

Mr. Altman: Monday to Thursday, 8:00 a.m. to 5:30 p.m., and Friday, 8:00 a.m. to 1:00 p.m.

Mr. Capozella: And no Saturday, no Sunday.

Mr. Altman: No Saturdays, in this building no Sunday.

Mr. Naumchik: Is there going to be increased truck traffic coming in and out of this than there is now?

Mr. Altman: There is going to be only a pickup at night, one pickup, because

we're going to pack it and send it to Amazon, so they're going to come every night, one truck, and pick it up.

Mr. Naumchik: I see.

Mr. Capozella: Do you plan on bringing any tractor trailers for storage?

Mr. Altman: Over there right now, no.

Mr. Capozella: Okay.

Mr. Madden: There's going to be one truck at night for pickup, so they're picking up a packaged product, but that product has to get to you somehow. So then won't there be trucks bringing you products?

Mr. Altman: We already have the receiving area in the other main building in the main warehouse, (inaudible) over there.

Mr. Capozella: Could you just explain your process again? It says change storage building, warehouse, and packing with shrink wrap wrapping machines, so just explain what you do there, please.

Mr. Altman: We have, let's say, two barrels of the shampoo and conditioner. We need to make it as a set and send it out to Amazon as a set, so we have a shrink wrap machine. It's going into the machine, it seals the shrink wrap and shrinks, and then we send it to Amazon.

Mr. Capozella: Okay. We'll go back to the public hearing momentarily. Anyone from the public wishing to speak on this application, please step forward. Since no one came from the public, we're going to close the public hearing.

The public hearing was closed.

Mr. Capozella: And going back to the board for comments and questions one more time. So it seems like the only thing I've heard from the board really is that we'd like a clearer site plan designating parking, showing where you're going to park people. You're going to have two entrances, one from Cottage and one from Montgomery Street, just show them because that would affect our fire apparatus in an emergency, any emergency vehicles coming in and out. Did I cover that, Mr. Madden?

So I think conditionally, we'll probably set a condition on this if you would

supply a new site plan to be reviewed by Mr. McCarey and Mr. Welch to make sure you have your parking and your parking facility up to snuff.

Mr. Altman: Okay.

Mr. Capozella: Okay?

Mr. (?): Can we just table it till we get the site plan, or --

Mr. Capozella: I think this one is just conditional. We'll make it conditional because he did supply us a site plan, but it's not clear enough on the parking issue. It's a very large piece of property. He has room. We just want to make sure he puts the cars in the right spots and doesn't impede any emergency vehicles. That's my feeling on it. If you want something different, we can do something different.

Resolution concerning 32-48 Cottage Street, warehouse and packaging facility with shrink wrapping machines, with hours of operation Monday through Thursday, 8:00 a.m. to 5:30 p.m.; Friday, 8:00 a.m. to 1:00 p.m., no Saturday and Sunday. Contingent upon the presentation and review and approval of a site plan with proper parking entrances and spacing for emergency vehicles. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and State of New York, if applicable.

Motion by Mr. Higbie, seconded by Mr. Naumchik.

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Vanessa Cid-Morales, Dan Higbie, Anthony Capozella.

PRELIMINARY HEARINGS ONLY - Not for any action but for future presentation and possible action at a date not yet determined.

Paul Duggal
121 Wickham Avenue
Waiver of the first floor commercial requirement.

Mr. Duggal explained the need to waive the first floor commercial requirements for his property.

Applicant was informed that he will be expected to provide proof of reputable listings of the property, i.e: commercial multiple listings through a broker, advertisement in newspaper[s]/magazine[s], electronic media, etc.

Cingular Wireless PCS, LLC [AT&T]
51 ½ Kennedy Terrace
Co-location of a wireless facility.

A representative of Cuddy+Feder LLP presented a co-location plan for Cingular Wireless PCS, LLC [AT&T].

Applicant's representative was requested to provide information on the differences between natural gas and diesel generators. Also asked to show landscaping on plans.

Mr. Leider
11-31 Fulton Street
Fire Apparatus Museum and O&W Station Archives

Mr. Leider presented conceptual overview for a fire apparatus museum. Applicant needs to cleanup property per code requirements, add fencing and reminded that no automotive repairs allowed in this zone.

115 Wisner Avenue
Storage Building

Presentation and conversation on steps to take on a previously approved project by the City of Middletown Planning Board. Applicant to update plans.

Adjourned 8:57 p.m.
Respectfully Submitted,
Diane Genender, Transcriber