

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

July 03, 2019

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on July 3, 2019 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

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

Members Absent: John Naumchik.

Motion to approve the June 5, 2019 minutes by Mr. Britto, seconded by Mr. Madden.

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

Abstain: Nicole Hewson.

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 chose to act or vote on those applications tonight.

Miguel Nieto
14-18 North Street
Special use request for a liquor license at the existing eating establishment

Mr. Nieto: Good evening.

Mr. Capozella: Is there a need for a mailing? We didn't have to do a mailing

again, did we, or did we?

Clerk: Yes, we did.

Mr. Capozella: Okay. Good. Thank you. Please explain what you're doing, Mr. Nieto.

Mr. Nieto: Well, I just want to add a liquor license to the restaurant that's already in place, and like I'm not planning to do anything else, like after hours and stuff like that. Like it's going to keep going as a family restaurant except we just want to add liquor on the menu.

Mr. Capozella: Okay. Great. So first thing we do is open up the public hearing. Anyone from the public wishing to address this application, please step forward.

The public hearing was opened.

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

Mr. Madden: Just as a matter of record, I do own a business directly across the street from this one in question. I feel that I can be fair and keep an open mind with their request.

Mr. Capozella: Thank you. And just so everyone knows, Mr. Nieto, this is an established business as Mr. Madden stated, and basically he is coming here because of the change of use, and this liquor license will be obtained through the State of New York.

Mr. Nieto: Okay.

Mr. Capozella: Your hours of operation have not changed? They're going to stay the same?

Mr. Nieto: That is correct.

Mr. Capozella: Okay. Yes, Mr. McCarey.

Mr. McCarey: When you apply to the SLA, the floorplan that you submit to them, you have to submit a copy to my office as well.

Mr. Nieto: Okay.

Mr. Capozella: We'll go back to the public hearing. Anyone from the public wishing to address this application, please step forward.

The public hearing was closed.

Mr. Capozella: We'll close the public hearing. To the board members once again, any questions or comments?

On the resolution for 14-18 North Street, special request for a liquor license at the existing eating establishment, basically nothing will change on this premise. The owner will apply to New York State for a liquor license. Subject to Middletown DPW and Middletown Fire Department inspections and approvals, and through the permitting process of the City of Middletown and State of New York, if applicable.

Motion to concur by Ms. Hewson, seconded by Ms. Cid-Morales.

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

Monhagen & West Main, LLC
100 Monhagen Avenue
Gas station expansion

Mr. Morgante: Good evening, everyone. My name is Michael Morgante, and I'm the Project Engineer for this application before the board which consists of renovating the gas station located at the intersection of Monhagen Avenue and West Main Street.

We were here last month for a presentation. At that point, we explained what the intent of the project was to the board. We received comments from the Planning Board Engineer, which we addressed, resubmitted plans. We did receive the Planning Board Engineer's latest comment letter, which seemed to say that we addressed the majority of the comments with the exception of maybe one or two things like I think the type of deicing materials we might use. We can certainly look at alternate deicing materials. There's several of those on the market as opposed to just using typical salt.

I think we had a discussion with the board regarding the two accesses off of West Main Street. We had a traffic -- we had retained the services of a Traffic Engineer to take a look at that. We had prepared some documents and submit to

the City. I believe the Planning Board has reviewed those also. We have taken the westerly most entrance off of West Main Street and made that just an ingress entrance at this point now only, and the easterly entrance on Main Street, we had intended to keep that as a full access movement driveway. That's what the Traffic Engineer that we retained the services of had shown in his report and plan. Mistakenly, we copied the entrance from the westerly side to the easterly side also, but I would like to note that we would like to keep that entrance, the easterly entrance, on West Main Street as a full movement driveway.

Any of the other comments that were shown on the plan -- we have a landscaping plan and a lighting plan. Everything has construction details associated with it. We showed some landscaping on the northern side along the retaining wall. We have shown a refuse location with details for construction and, I mean, the plans I think are in a stage where they can be fully reviewed and we can seek some type of an approval tonight.

So I will turn that over to the board and its consultants, and if they've got any additional questions or concerns from me, and if you take comments from the public during the public hearing.

Mr. Capozella: Did we get our mailings? This is his official; right?

Clerk: Right. Well, last month.

Mr. Capozella: All right. Good. Thank you.

Mr. Morgante: Yes.

Mr. Capozella: We're going to open the public hearing. If anyone from the public wishes to address this application, please step forward.

The public hearing was opened.

Mr. Capozella: We'll leave the public hearing open, and we'll move to the board's questions and comments. Anyone from the board have any questions or comments?

Mr. Croughan: Gef, were all your concerns addressed?

Mr. Chumard: Pretty much. I do have to point out that in my review, my latest review letter, I noted that their traffic consultant, Creighton Manning, had recommended an ingress only on the most westerly entrance off of West Main Street, which is really the existing entrance to the gas station. Acquiring the next

property gives them the opportunity to have a secondary access, and the traffic consultants recommended a full movement, you know, permissible in and out. On the map, they had indicated an in only, and I said, well, if that's what you want, I said in my letter that would be okay.

I'm also not objecting to the full service in and out on that most easterly entrance. It's behind the stop line, but I want to call that to the board's attention in case you wish to discuss it or anybody had any feelings about it.

I had also noted that they had eliminated a proposed swale, drain swale, which I felt might concentrate the drainage where we might not want to do that, but in doing so, I just want to make sure that we don't direct runoff against the building, against the proposed building because that would cause a compromise to their building, so there's certainly easy ways to fix that.

I had noted the type of deicing. You know, the more salt we put in our drainageways, the more problems we incur in that with the sodium and salt and whatever, so other types of deicing are preferable. Also, the salt tends to spoil the concrete sidewalks, so the alternate deicing would be preferable in my opinion.

The only other thing is, and it's not really an objection, just an observation, they have a -- they submitted a cross-easement document to and from the property of the Planet Wings, and it looks like that's very doable and feasible. The wording of it was such that it suggested to me that all the work to effect that access opening would be done by the Planet Wings, and that's fine if that's what they want to do, but I just noted that, and I'd just ask if that is the intention of the applicant.

Other than that, I'm okay with it.

Mr. Croughan: Okay.

Mr. Capozella: Just so the board understands, Mr. Morgante, could you just point to the entrances described by Mr. Chumard as far as being double and single egress on your plan, just so the board is fully aware of what's going on, please.

Mr. Morgante: Sure. I'd be glad to. So this entrance right here, the one closest to the intersection of Monhagen and West Main Street, would be the ingress only driveway. This one further to the west, back here closer to the intersection and where the Planet Wings property is, would be a full movement driveway.

Mr. Capozella: We'll go back to the public hearing and let the public address if they wish, step forward. Anyone from the public wishing to step forward and comment and on the application. Jerry. Mr. Kleiner.

Mr. Kleiner: Thank you. I've been familiar with that intersection for a long time. My only concern is if I'm understanding what you're saying, this would be the

entrance which is now the yellow house there, the property you're acquiring, so that in exiting from there, would you be going across both the regular lane and the left turn lane onto West Main Street and able to go out and make a left turn across those --

Mr. Morgante: Right. Yes.

Mr. Kleiner: And, you know, we're looking at that where the YMCA property comes out on Highland Avenue and goes across a double lane too, and it's, you know, it can create some problems, so I don't know if the board considers that that's okay, because if you've got double yellow lines both ways and you're coming out and making a left turn off of it, they can be difficult. That's my only --

Mr. Croughan: And illegal, crossing a double yellow.

Mr. Kleiner: Yes. But most people have no idea of that.

Mr. Capozella: Is there any signage there, Mr. Morgante?

Mr. Morgante: Actually, at this point could I engage my traffic consultant? He's actually at the meeting.

Mr. Capozella: Sure.

Mr. Morgante: He can --

Mr. Capozella: Absolutely.

Mr. Filiciotto: Good evening, Mr. Chairman, members of the board, and staff. Just for the record, Frank Filiciotto with Creighton Manning Engineering, Licensed Professional Engineer in the State of New York. Thank you for the opportunity here.

So we came at this kind of midstream, and we took a look at this intersection. If the board is familiar with the location, you'll know that this driveway, the westerly most driveway serving the gas station now, is actually ahead of the stop line where cars stop heading westbound on West Main Street. That's really the reason why we decided to recommend eliminating all egress there. We still think it's important for this site to have egress on West Main Street based on how the site's laid out.

There's six parking spaces on the south side of the building. They're going to be used by patrons of the convenience store. So to enable or to force them to use

Monhagen Avenue after they leave the store we think would be creating unnecessary circulation in the parking lot when they can come directly out onto West Main Street and make their turn.

I will note the Mobil station across the street has a driveway directly across from essentially our easterly driveway on West Main Street. Those turns also have to cross the double yellow line in order to get back to the traffic signal at the intersection, so that movement is, in essence, already occurring today.

At our site, the more dominant movement is a right turn out. When we think about patronizing gas stations, we do it in the most convenient fashion. Whatever's easiest, we'll do, and a left turn really isn't the easiest thing to do, so at this site, it's more common to see a right turn in and a right turn out. We'd like that right to turn to occur at the easterly driveway as far from the intersection as possible rather than on top of it as it occurs today.

So that's really the basis for our recommendations. We feel that this will operate adequately.

Mr. Capozella: Thank you. Mr. Kleiner, any other comment or --

Mr. Kleiner: No. I mean, I understand that and understand that -- really want a way so that you don't have to go out on Monhagen because then you're cutting across traffic to get over again to the left turn lane and come back. It makes a difficult navigation no matter how you do it. I just am always concerned when you have to go across two lanes of traffic to make a left turn.

Mr. Capozella: Sometimes people do use common sense and drive properly.

Mr. Kleiner: Yes.

Mr. Capozella: Sometimes.

Mr. Kleiner: Sometimes they do, and you know, sometimes you have a right turn only when you're doing that kind of exit. You know, there are other ways you can get around there, but it is difficult if you want to go back up West Main Street because you really do have to get out onto Monhagen and get in the left turn lane. That's the only other -- the only way to do it. I think it's easier coming out from the station across the street because you have an open lane before you get to the line, and you're just pulling into a left turn lane, and you have better sight, you know, visibility. But I think it will work, and we'll just hope, as you say, people pay attention.

Mr. Capozella: People will learn.

Mr. Kleiner; Yes. Thank you.

Mr. Capozella: You're welcome. Anyone else from the public wishing to comment on this application, please step forward. If not, then we'll close the public hearing.

The public hearing was closed.

Mr. Capozella: Back to the board. Any questions or ocmments?

Ms. Hewson: I was just wondering what your recommendations are for the alternative to the salt, Mr. Chumard?

Mr. Chumard: Anything that really does not involve rock salt and is designed to limit the deleterious effect on concrete.

Ms. Hewson: Thank you.

Mr. Capozella: Anyone else from the board? Let's just address the cross-easements. Have you had a chance to review those?

Mr. Croughan: I have not.

Mr. Capozella: Okay. Mr. Chumard did, and --

Mr. Croughan: You can make it subject to my review. I don't know if they have an attorney that they correspond with or not.

Mr. Morgante: I believe we could have that. There's an attorney that prepared the documents, so if there's any necessary changes, we can put you two in touch with each other.

Mr. Capozella: Okay. We can do that, and the same thing also with the -- there's a lot line change.

Mr. Morgante: That's actually been submitted already. We submitted documentation of that.

Mr. Capozella: Did you review this -- take a look at this at all?

Mr. Croughan: No.

Mr. Capozella: All right. We'll just make it subject to both those documents. It's very minor, just to make sure all the I's are dotted and the T's are crossed; okay? We also have a short Environmental Form, which I will sign off on.

Before we do anything else, I don't know if the board has any other objections, so we're going to move on to a resolution, but first thing we're going to do is the board is going to declare Lead Agency, so we have to have a resolution for that for this project; okay?

For Lead Agency for the City of Middletown Planning Board;

Whereas, the City of Middletown Planning Board has received an application from Monhagen & West Main, LLC, tax map designation Section 29, Block 4, Lot 3 & 4, and located in a C-2 Zone, for site plan amendment and special use permit for the construction of a new food mart and adding an additional canopy with gasoline dispensers. The project is located at 100 Monhagen Avenue in the City of Middletown.

Therefore, be it resolved that the City of Middletown Planning Board is declaring its intent to be Lead Agency with respect to the proposed action under the State Environmental Quality Review Act; and

Be it further resolved that the City of Middletown Planning Board is authorizing the applicant to distribute the Lead Agency coordination request in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 to all interested and involved agencies.

This will be filed with the Clerk of the Common Council.

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

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

On the motion of Mr. Britto and seconded by Mr. Higbie that the Planning Board, based on all of the evidence submitted by Monhagen & West Main, LLC, seeking a site plan amendment and special use permit for construction of a new food mart and the adding of an additional canopy with gasoline dispensers.

The Planning Board makes the following determination with respect to the

environmental significance of the proposed project, located at 100 Monhagen Avenue in the City of Middletown, Section 29, Block 4, Lot 3 & 4. Based on a recent elaboration of the potential environmental impact of the project, and after a thorough review of the project's environmental elements by the City's Engineer and Planning Board, the Planning Board hereby determines that there would be no significant environmental effect as a result of the completion of the proposed project, and by this resolution making a negative declaration of environmental impact as that term is defined in the Environmental Conservation Law and in Part 617 of the New York State SEQRA Regulations.

We'll file this with the Clerk of the Common Council.

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

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

Resolution on Monhagen & West Main, LLC, 100 Monhagen Avenue, gas station expansion, gasoline and/or filling station and convenience store, site amendment plan to construct a new food mart, and add an additional canopy with gasoline dispenser, a gasoline station and mini mart. Subject to Middletown DPW and Middletown Fire Department inspections and approvals, and through the permitting process of the City of Middletown and State of New York, if applicable. Also subject to lot line review and easement agreement review by Mr. Croughan.

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

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

Cory D. Williams
204 Wickham Avenue
An auto detailing and cleaning business

Mr. Capozella: Mr. Williams, please step forward. Do we have his mailings, Miss Tu?

Clerk: Yes, we do.

Mr. Capozella: Good. How you doing? I need your name for the record.

Mr. Williams: Cory Williams, and I have an LLC for professional car detailing. With the permission of the Planning Board and a hearing for Mr. Professional Detailing is that I noticed that people actually live in their cars, and I know they have a lot of detailing businesses around here, car washes, but Mr. Professional Detailing, we do an intense cleaning. We get inside the car, and we get every crevice the car has inside, just like if we was building the car all over again because I understand that like if you're in your home, you eat in your car, the chips, the cookies, juice has to be cleaned up just like it's your home, so with the permission of the Planning Board, we would like to continue making these cars clean around the neighborhood.

Mr. Capozella: Okay. Thank you. One other bit of paperwork. Is there an owner's endorsement? I don't have it in my packet. That doesn't mean that we don't have it. You are a tenant; right, sir?

Mr. Williams: Yes, sir.

Mr. Capozella: He has one?

Clerk: Yes.

Mr. Capozella: Okay. We just didn't get it in our packet. That's not a problem.

Mr. Williams: Forgive me for that. Excuse me for that.

Mr. Capozella: That's okay.

Mr. Williams: Miss Martina was much a help.

Mr. Capozella: All right. We'll go to the public hearing. Anyone from the public wishing to address this application, please step forward.

The public hearing was opened.

Mr. Capozella: Just state your name for the record, please, sir.

Mr. Harnick: Good evening. Martin Harnick. My property backs up on the parking lot at 204 Wickham. I've been there for 37 years, and any time there's a car business back there, it's just loud. It's air pollution. It's noise pollution from stereos, and so my only objection is general crankiness. Thank you.

Mr. Capozella: Duly noted. Thank you. So, Mr. Williams, it'd pay to be a good neighbor.

Mr. Williams: Yes. I'm going to be a great neighbor if it goes my way, but he's definitely correct. There is always loud music when they're cleaning cars or a lot of people, you know, outside, and the neighbors are always going to be a concern. But within the profession of car detailing, you have to drive down my garage. Once you're in the garage, there's no loud music upstairs, you know, civilians being allowed. My thing is, and Mr. Professional is to me, increase the population where it's suitable for everyone to come to Mr. Professional without it being, like the gentleman spoke about, disturbance. If I have a disturbing business, no one would want to come, you know.

Mr. Capozella: The City of Middletown has, you know, we have industrial and we retail, we have things that are very close to residential areas, so being a good neighbor is important.

Mr. Williams: Very important.

Mr. Capozella: Anyone else from the public wishing to comment on this application? Okay. We'll leave the public hearing open and we'll move to the board for any comments or questions. Yes.

Ms. Hewson: Is there a fence up there on the property or anything that would help soundboard?

Mr. Williams: No, ma'am. There's actually -- if I got my pictures, it's actually a lot, like a lot.

Mr. Welch: This is interior. There's no noise outside whatsoever.

Ms. Hewson: Oh, okay.

Mr. Welch: It's in a garage underneath the building.

Ms. Hewson: Oh, okay.

Mr. Welch: If you close the door, you wouldn't know anybody was even there.

Ms. Hewson: Gotcha.

Mr. Welch: Okay?

Ms. Hewson: Thanks.

Mr. Croughan: How many cars can be parked there at any one time?

Mr. Welch: I went there with the tenant, and there's only four bays inside, so I don't believe there've been eight cars in the parking lot in any time because he only does detailing. He's not like a used car lot, nothing like that. He details cars, and there's four spots inside the structure itself. There'd be nothing outside.

Mr. Croughan: He wouldn't have cars waiting? So if he cleans one --

Mr. Welch: I don't believe so.

Mr. Williams: Excuse me. You have to actually call me for an appointment. Once you get the appointment, your car pulls up, that car leave out, you come in, just like that.

Ms. Hewson: So it's by appointment only.

Mr. Williams: Yes, ma'am.

Ms. Hewson: Yes, ma'am.

Mr. Capozella: Do you ever foresee where you might need us to state that he may need a parking space or two for overflow?

Mr. Welch: Well, as the pictures show, I mean --

Mr. Capozella: There's plenty of room.

Mr. Welch: I didn't ask him to mark out any parking. He'll have to park for himself and probably one employee, whatever, and besides that barber shop, there's ample parking no matter how you look at it. That's why I had Cory take pictures of me and my fat stomach there. That's why I stood there, to show how big it is.

Mr. Croughan: Do we have to delineate parking spots outside?

Mr. Capozella: He did not, and the Building Inspector feels it's not necessary.

Mr. Welch: Because the barber shop never had that many people. You could probably put 15 cars there if you want to in a heartbeat. I hope he's that busy where he has to come back and ask for more parking, but I don't think it's going to happen. I mean, how many cars can you detail at one time? That's why I'm taking pictures.

Mr. Capozella: Well, one of the questions may be how many employees do you have, sir, or plan on having?

Mr. Williams: Well, I have me, my lovely wife, and I have two employees I'll be hiring.

Mr. Capozella: So that's four total.

Mr. Williams: Four total. Yes.

Mr. Capozella: I'm just contemplating giving him permission to have at least six spots. He has to have four. I don't want him to get involved in code --

Mr. Welch: There's ample parking. I've never seen more than one car in that parking lot at any given time with the barber shop there that's there now, Mr. T's or whatever.

Mr. Capozella: Okay.

Mr. Welch: Okay?

Mr. Capozella: Do we have your hours of operation, planned hours of operation?

Mr. Williams: Yes, sir. It was in the paper I submitted.

Ms. Cid-Morales: I have it. I just wrote it down.

Ms. Hewson: 9:00 to 6:00.

Ms. Cid-Morales: 9:00 to 6:00 and Sunday closed.

Mr. Croughan: When you detail, do you leave the garage doors open or are they closed?

Mr. Williams: It depends on if we're compounding, waxing the car, anything like that, then I'll close the door. But I want to put up inside the bays like tarp so therefore it don't be a whole bunch of dust and everything because it is in a basement.

Mr. Madden: Is the washing of the exterior of the vehicles done inside the bays? Inside the garage?

Mr. Williams: It depends on the car, condition and size.

Mr. Madden: So it is possible you'd be washing exteriors of cars in the parking lot.

Mr. Williams: No, no. Not in the parking lot. In the --

Mr. Welch: Everything's internal.

Mr. Williams: Yeah. Everything's internal. Yeah. Everything's internal. I have a drain with a sump pump so in case it overflows.

Mr. Croughan: Adam, any concerns?

Mr. McCarey: Obviously we'd do an inspection before they operate. The other thing is just to make note that they shouldn't be doing any work on (inaudible).

Mr. Capozella: Any other questions or comments from the board? Public hearing? Yes, ma'am. Please state your name for the record.

Ms. Williams: Hello. My name is Alvie Williams. I'm actually --

Mr. Capozella: Talk into the mic, please.

Ms. Williams: I'm actually a hair stylist in Mr. T's barbershop, on behalf of Mr. T's barbershop, and if Mr. Williams needs any parking, we go back and use only two, so there'll always be parking there for everyone.

Mr. Capozella: Thank you. Anyone else from the public? I'm going to close the public hearing and move back to the board for any comments or questions.

The public hearing was closed.

Mr. Capozella: Okay. We'll try to formulate a resolution for this.

Resolution for Cory D. Williams, 204 Wickham Avenue, an auto detailing and cleaning business. On the premise there will be no auto repair, no car sales. The detailing is normally done by appointment only. There will be six parking spaces. Hours of operation will be Monday through Saturday, 9:00 a.m. to 6:00 p.m. Closed on Sundays. Subject to Middletown DPW and Middletown Fire Department inspections and approvals, and through the permitting process of the City of Middletown and State of New York, if applicable.

Motion by Ms. Hewson, seconded by Mr. Britto.

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

Middletown Downtown LLC (Sal Vasapoli)
22-26 Montgomery Street
Multi-family residential

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

Adjourned 7:49 p.m.
Respectfully Submitted,
Diane Genender, Transcriber