

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

July 8, 2020

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on July 8, 2020 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

Members Absent: John Naumchik, Dan Higbie.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Adam McCarey, Fire Inspector; Theron Adkins, Fire Inspector; 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.

**Edwin and Stephanie Rodriguez
50 High Rose Ridge Way
Construction of a new deck**

Mr. Capozella: Please state your name and your intentions.

Mr. Rodriguez: How you doing? My name is Edwin Rodriguez, and I'm building a new deck on my residence at 50 High Rose Ridge Way, Middletown, New York 10940.

Mr. Capozella: Thank you. We've met with Mr. Rodriguez, and we've had his plans reviewed by Mr. Welch. We also have his HOA letter and documents stating that he has been given permission by the HOA.

Mr. Croughan: And we have the mailings.

Mr. Capozella: And we have the mailings, right, Miss Tu?

Clerk: Yes. Correct.

Mr. Capozella: I'm going to open the public hearing. Anyone from the public wishing to speak on this application, please step forward or announce virtually your intentions. Miss Hansen, do we have anybody?

Ms. Hansen: Not yet.

The public hearing was opened.

Mr. Capozella: Okay. Fine. Miss Tu, anyone phone-wise?

Clerk: No.

Mr. Capozella: Okay.

Mr. Croughan: Any written comments?

Clerk: No.

Mr. Capozella: All right. We're going to keep the public hearing open, and we're going to proceed to the Board for any questions or comments. Also, the Board should know that this deck where it's being built is in a drainageway. The complex has an agreement with the City of Middletown, so there should be no issue. They've agreed to it. This HOA has put that in the application, and they've agreed to it, so there should be no issue going forward if this deck happens to be either in or near the drainage area.

All right. While the Board is thinking, we're going to move back to the public hearing. Miss Hansen, has anyone come on?

Ms. Hansen: No.

Mr. Capozella: Okay. Miss Tu?

Clerk: No.

Mr. Capozella: All right. I'm going to close the public hearing, move back to the Board for any questions or comments?

The public hearing was closed.

Ms. Hewson: Any concerns from our Fire Inspectors? Okay.

Mr. Capozella: Mr. Welch, the Building Inspector, has reviewed this application and finds nothing out of the ordinary.

Mr. Croughan: There are other decks in the area, so it's going to be in conformity with other decks. I believe he had said the builder was someone that had built decks there as well.

Mr. Rodriguez: Correct.

Mr. Capozella: Okay.

On the resolution for 55 High Rose Ridge Way for construction of a new deck. The High Rose Ridge HOA agrees as approved with all plans and easements granted to Mr. Rodriguez. 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 the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

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

Roll Call Ayes: David Madden, Andy Britto, Vanessa Cid-Morales, Nicole Hewson, 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 choose to act or vote on those applications tonight.

Andre Geddes
10 Timberose Court
Extension of an existing rear yard deck

Mr. Capozella: State your full name and address and your intentions.

Mr. Geddes: Good evening, everyone. My name is Andre Geddes. I live at 10 Timberose Court, Middletown, New York 10940. I intend to extend an existing deck on my property.

Mr. Capozella: We have the mailings Miss Tu?

Clerk: Yes.

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

The public hearing was opened.

Mr. Capozella: Miss Hansen, do we have anyone online?

Ms. Hansen: We do not.

Mr. Capozella: Miss Tu?

Clerk: Nobody.

Mr. Capozella: Any written comments?

Clerk: No.

Mr. Capozella: Okay. Mr. Welch has also looked at this one for the Board's edification. They know that he's looked at this also. So we'll move to the Board for questions or comments.

Mr. Geddes also has HOA approval. There's no need for a City of Middletown easement.

He doesn't have anything to do with the drainage area. He's okay.

Mr. Croughan: Again, it's in conformity with neighbors, and you're having a builder that has built other decks in the area as well?

Mr. Geddes: Yes. The same builder as he built.

Mr. Capozella: Any questions from the Board? I'll go back to the public hearing then. Anyone from the public, Miss Hansen?

Ms. Hansen: We are good.

Mr. Capozella: Miss Tu?

Clerk: No one.

Mr. Capozella: Okay. Fine. That being said, I'm going to close the public hearing and move on to the Board one more time for your final comments and questions.

The public hearing was closed.

Ms. Hewson: Same question. No fire concerns; right?

Mr. Capozella: Okay.

On the resolution for 10 Timberose Court, Middletown, New York, this is going to be an extension of a deck. This has been approved by the HOA of this complex and has no impedances with the City of Middletown. 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 the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

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

Roll Call Ayes: David Madden, Andy Britto, Vanessa Cid-Morales, Nicole Hewson, 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 choose to act or vote on those applications tonight.

Jessica Clark
42 North Street
Esthetics business

Mr. Capozella: We have Miss Clark online. We have her mailings; correct?

Clerk: Yes.

Mr. Capozella: Okay. We have all her paperwork. So, Miss Clark, please just state your full name and your address.

Ms. Clark: My full name is Jessica Marie Clark. My address is 1100 Northwoods Road, Apartment I, Middletown, New York 10940.

Mr. Capozella: Thank you. Just for the record, I still have to read, because they're doing these all individually, that any application here for the first time this evening is considered a preliminary hearing, and the Planning Board may or may not choose to act or vote on those applications tonight. Just for the record. Sorry, Miss Clark.

Ms. Clark: Oh, sorry. Okay.

Mr. Capozella: No problem. So in the meantime, we're going to open the public hearing. Anyone wishing to address this application please come forward.

The public hearing was opened.

Mr. Capozella: Miss Hansen, do we have anyone online?

Ms. Hansen: We do not.

Mr. Capozella: Miss Tu, anyone on the phone?

Clerk: No.

Mr. Capozella: Any written comments from anyone?

Clerk: No.

Mr. Capozella: Okay. All right. So we'll leave the public hearing open, and we're going to move on to the Board's questions and comments. Mr. Madden?

Mr. Madden: Miss Clark, can you just generally explain what it is that you're coming before us tonight for?

Ms. Clark: Yes. So I am an esthetician. I will be opening a -- the storefront location will be kind of like a mini spa. I do corrective facials, eyelash extensions, waxing, and also sell retail skincare, things like that.

Mr. Capozella: Okay. I have amended hours of operation too, just so everyone knows. I'm just going to clarify with Miss Clark that her hours of operation, her intents are Tuesday through Friday, 10:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 2:00 p.m., Mondays and Sundays closed, and closed on major holidays. Is that correct, Miss Clark?

s. Clark: Yes. It is also by appointment only. I forgot to mention that in the application.

Mr. Capozella: That's fine. We'll add that to the resolution. All these times and days will be by appointment only.

Ms. Clark: I'm sorry?

Mr. Capozella: All the times and days that I've mentioned, even if you're closed on Mondays and Sundays, you'll be doing it by appointment only.

Ms. Clark: Yes.

Mr. Capozella: Mr. McCarey? Mr. Adkins?

Mr. Adkins: Yes. I just had a couple questions. I went out there and looked at the property today. My first question, the sidewalks that are in the park there, they don't line up with the new doors that are installed on the side of that building, and then there are steps. There's going to be a step up, so they're going to have to create steps there for customer access. And then the exit that goes to the alleyway is blocked. It looked like it may have been a window at some point, so that's going to have to be addressed. The sprinkler and fire alarm system, because they're doing a whole new buildout, they're going to have to have plans or get with the builder on that to make sure that it's sprinklered properly and they have the fire alarms.

And I did have a question. Are you going to be doing nails at this location?

Ms. Clark: No. I will not be doing nails.

Mr. Adkins: Okay. That's all the comments I have.

Mr. Capozella: Okay. I think those items that you mentioned will probably fall under the owner, the landlord of this building. We also have another business that is soon to open there, another hair salon I believe or that type of, and so I imagine you're going to have the same issues with the owner there also.

Again, in our resolution we mention that the DPW and the fire department have, you know, full reign of inspection, and they will not be able to get a CO until they meet all requirements that are necessary. But thank you. That's great.

Any other questions from the Board? Yes, Miss Hewson.

Ms. Hewson: Miss Clark, I was just wondering how many employees will you have?

Ms. Clark: It will be just me in the beginning. Eventually I would like to hire one person.

Ms. Hewson: Okay. Thank you. And you don't plan on doing massages; right?

Ms. Clark: No.

Ms. Hewson: Okay. Thank you.

Mr. Capozella: And, Miss Clark, in your application you do mention other beauty services.

Could you define what the other beauty services might be?

Ms. Clark: Yes. It would be lash lifting and tinting and makeup as well.

Mr. Capozella: Thank you. We'll go back to the public hearing. Anyone from the public wishing to address the application. Miss Hansen, anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Miss Tu, anybody on the phone?

Clerk: No.

Mr. Capozella: Okay. In that case, I'm going to close the public hearing, move back to the Board for any questions or comments.

Ms. Hewson: Still waive parking?

Mr. Capozella: Yes. We'll have to waive parking. It's a municipal area. It's also in the DMU zone, so any signage you'll have to put in the application, any signage, exterior signage or exterior façade will have to go through the Architectural Review Board. If you don't understand that, Miss Clark, the DPW when you go for permits and the fire department, they will guide you to the proper board for any façade or signage work.

Ms. Clark: Okay.

Mr. Capozella: Okay?

Mr. Croughan: And just so the applicant is clear that if it was approved tonight, it still has to go to the fire department and the building department, and the concerns raised by the fire department, even though they're not within her control, would still need to be addressed by the landlord before you'll be allowed to open.

Ms. Clark: Yes.

Mr. Capozella: Okay.

Mr. McCarey: Certainly if you didn't recognize this already, just make sure that if she decides to add any services, or the services that she is performing under this application, all fall within the New York State license that they carry.

Mr. Capozella: I can do that. That's no problem. You just did. Any of the services going forward will fall under licensing that she has supplied, and anything you add will fall under that license also.

Mr. Croughan: She'll need to get a license.

Mr. Capozella: If it's different than what she's approved for, yes.

Mr. McCarey: Or if she brought on additional employees. They too would have to --

Mr. Capozella: Yes. Anyone that's an employee has to be licensed for whatever work they're doing.

Mr. Capozella: You understand that, Miss Clark?

Ms. Clark: Yes, I do.

Mr. Capozella: Okay.

Mr. Croughan: Except if they were receptionists, of course.

Mr. Capozella: Correct.

Mr. McCarey: Anything they're doing would fall under their licenses.

Mr. Capozella: Right. Exactly. Okay.

On the resolution for 42 North Street, Middletown, New York, esthetics business, where she'll be doing facials, lash extensions, eyebrow wax, makeup and selling retail. Anyone performing esthetics will be licensed by the State of New York. There will be no nails, no massages. Hours of operation will be by appointment only but Tuesday through Friday, 10:00 a.m. to 6:00 p.m.; Saturday, 9:00 a.m. to 2:00 p.m., Mondays and Sundays closed, closed on major holidays. 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 the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

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

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

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

**Cornerstone Family
10 Benton Avenue
Addition to an existing outpatient facility**

Michael Lombardini, LT Studio
Corey Leyton, LT Studio

SECOND INTRODUCTORY PRESENTATION

Franco Fidanza
203-231 Dolson Avenue
Retail & residential project

Thomas Kentop
Franco Fidanza
Barry Medenbach

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

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

Adjourned 8:20 p.m.
Respectfully Submitted,
Diane Genender, Transcriber