

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

September 2, 2020

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on September 2, 2020 at 7:00 P.M., Mr. Dan Higbie presiding.

Members Present: Dan Higbie, Dave Madden, Nicole Hewson, Gretchen Witt, Andy Britto.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Theron Adkins, Fire Inspector; Sixto Martinez, Building Inspector; Gef Chumard, Planning Board Engineer.

Members Absent: Anthony Capozella, John Naumchik.

The Pledge of Allegiance was said.

Motion for Mr. Higbie as Acting Chairman by Mr. Madden, seconded by Mr. Britto.

Motion to approve the August 5, 2020 minutes by Mr. Britto, seconded by Mr. Madden.

Mr. Higbie 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.

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

Mr. Higbie: Please just state your name.

Mr. Lombardini: I'm Nick Lombardini from L2 Studio, and this is Corey Layton from L2 Studio. We're architects on the project as working with Cornerstone Family Healthcare on the 10 Benton Ave. project, and obviously we've brought

some board documentations, and you guys have hard copies of what you see sort of in front of us. And I'm not sure if you want me to have the boards facing you guys or the audience in the rear. It's up to you.

Mr. Croughan: If you can angle it so that possibly everybody can get a look at it.

Mr. Higbie: Most of the plans we have in our packet; right?

Mr. Lombardini: Yeah.

Mr. Higbie: It's just that the color rendering --

Mr. Lombardini: Yeah. So the color rendering, so we can share those too if you have any questions.

Mr. Croughan: Maybe if you could just the Board first and then put it back.

Mr. Lombardini: Yeah. Absolutely. So most of you understand the project. It's an outpatient facility, fee occupancy. We're doing renovations to the existing, so if you kind of take a look at the site plan, and again, this is more of a graphic representation. What you have in front of you is more detailed. The shading is the existing footprint. The darker poche are the two additions that we're proposing to add on to the building. The first darker poche is kind of an exam room addition, two stories, and then the second one over here, which we call sort of the main entrance atrium addition. And then from the renderings, you can kind of see, you know, on the far corner of the top rendering, that's more of the atrium space, kind of two story place, glass curtain wall on the front, and then obviously, you know, we have that exam room extension coming off of this portion of the building. So both of our additions are actually facing the existing parking lot and not really encroaching much going towards Grant Street, even though we have a little bit of encroach going towards that way, but just kind of wanted to sort of explain that to you.

The idea, obviously, is to enter the site, you know, from Benton on this upper parking lot area. Can everybody see that? And then obviously this is an exit or one-way only, and we actually talked to the Fire Inspector that had a comment at the last Board meeting about the aisle with wanting to be 20 feet, and in your drawings that we had provided you, you'll see the reflection of that 20 feet mark there. So just kind of in a more of a generalized term, I just wanted to sort of explain that to you guys, and I think everybody sort of understood the drawings, but we wanted to provide this rendering board today for those purposes.

So as I said, it's an outpatient facility, clinical spaces, family medicine,

OB/GYN, podiatry, pediatrics, behavioral health, and then we have some other administrative spaces, you know, kind of spread out through the building. We also have carved out mechanical spaces, you know, for HVAC, electrical panels. This building will be a fully sprinklered building. I did share that information with Theron, and he's not here, or I've actually never met him in person, so I couldn't even say if, you know, to recognize him. But I shared our Chapter 13 review with him to determine that we do need a sprinklered building, so he was okay with that. He did provide us with some comments, which I had addressed, and all my correspondence obviously have been with Martina so, you know, we're here obviously to do another review of the project. There had been some other concerns about the easement, which we had provided that documentation as well. Metes and bounds, which we had provided that documentation on an existing site survey along with a revised C102 drawing, so wanted to just reflect that that information had been issued and, you know, obviously if you guys have any comments, we can talk and discuss it today.

The turning radius at the last meeting from Theron's comments to me is a non-issue. What they plan on doing is sort of entering the site, you know, with their ladder trucks, whether they need to fight a fire or do whatever they need to do, and then they're obviously going to back out onto Benton Street and then exit the property from there, so we didn't necessarily have to do any more calculations or turning radius information on the site for their -- I think it was he had a new ladder truck.

Mr. Higbie: Just for the record, Mr. Adkins, Theron Adkins did respond to the Board, and he said that you have addressed all of his, you know, all of, like you said, you addressed all of his issues, and he has no further issues.

Mr. Lombardini: So other than that, you know, there's a couple other items I'd like to discuss. If you have any other questions about the easement, we can talk about that today here. I also want to talk about SEQRA, that the Planning Board being Lead Agency for SEQRA, so I kind of leave it up to you.

Mr. Higbie: Okay. Great.

Mr. Lombardini: Any questions, we can answer any questions you guys may have.

Mr. Higbie: Okay. Is there anyone in the public that would like to discuss the project on 10 Benton Avenue for Cornerstone Family Healthcare? Anyone in the public that would like to speak?

The public hearing was opened.

Mr. Higbie: Miss Hansen, do we have anyone via the computer or via Zoom that would like to speak on this matter?

Ms. Hansen: We do not. Thank you, Miss Hansen?

Mr. Higbie: Okay.

Mr. Croughan: Martina, anybody on the phone?

Clerk: No.

Mr. Higbie: Okay. And, Martina, no one on the phone. Great.

Does the Board have any questions before we ask Mr. Chumard and DPW if they have any concerns? Any questions from the Board? Okay.

Mr. Chumard, do you have any concerns?

Mr. Chumard: Not really at this point. We had done a review of the project. We had asked some questions. They were pretty much answered. They had submitted a pretty comprehensive hazardous study of the buildings and before addressing anything, that was answered. I had a conversation with Commissioner Tawil. Apparently they have plans to construct or upgrade the Draper Brook storm sewer that goes through the property. I'm not sure how far into the property they're going to go through if all the way to Benton Avenue or not. That work would have to be coordinated with your work so that, you know, you don't interfere with each other or you have to do your work twice or what have you. The other issue was you're replacing or constructing a retaining wall between the upper lot and the lower lot, and that may or may not be affected if the storm sewer goes as far as into the upper lot, but that would be your risk, I guess. But as far as the placement of it goes, Mr. Tawil indicated to me that it wouldn't be objectionable over top of the storm sewer.

I reviewed a deed joining the easement, but it's showing the property. The property was described several different times and in several different ways, and there was reference to an easement, but there was no description of the easement that I've seen. The lines are marked on your plan, but I haven't seen anything further than that, and I don't know if anything more is even necessary.

Mr. Lombardini: Yeah. So I can answer that question. Obviously on the site plan, we had documented metes and bounds of the easement. The easement only takes place on that lower parking area, and from our knowledge and from my surveyor's knowledge, it doesn't actually extend through the site to the upper portion, but we

did provide this documentation which was additional information related to the easement. I'm not quite sure if you've received this or not.

Mr. Chumard: I received a deed. It may've been that one, but as I read through it, there was really no metes and bounds of the easement itself that I saw

Mr. Lombardini: No. And that's so why my surveyor had to sort of dig through a little bit more to find the metes and bounds that we've indicated on the site survey, which I don't know if you have a copy in front of you, but the gentleman next to you does.

Mr. Chumard: I believe the Draper Brook sewer, if it doesn't go through your property to Benton Avenue, reaches Benton Avenue at some point.

Mr. Lombardini: Correct.

Mr. Chumard: Whether it goes through your property or your neighbor's property, I'm not sure.

Mr. Lombardini: Yes. And I think that's something that we need to obviously work with the City on to make sure that what we're building or reconstructing from a parking lot standpoint and also from a retaining wall standpoint, that we coordinate that pretty closely, so I agree with you that we're not creating things twice or spending additional dollars to build something, tear something down, and rebuild it again. So that is something that we need to coordinate fairly closely with the City.

Mr. Chumard: Yeah. You'd work with the Commissioner of DPW for that.

Mr. Lombardini: Yup.

Mr. Croughan: Just in following up with Mr. Chumard's comments, do you have that easement that's mapped out on your plans?

Mr. Lombardini: Yes.

Mr. Croughan: And where is that?

Mr. Lombardini: It's a plan that was submitted --

Mr. Croughan: No, no. I'm talking about the -- you said your surveyor had to dig

deep in order to get those metes and bounds descriptions.

Mr. Lombardini: Yes.

Mr. Croughan: I've seen the easement mapped out. I just don't see where it originated from.

Mr. Lombardini: I don't have that answer other than I'd have to go back to him to define where he had found that information, but I did provide him with this document, and I know that he used part of this document.

Mr. Croughan: Yeah. I've looked through that document as well, and the coordinates that are mapped out on your easement don't match those coordinates in there.

Mr. Lombardini: Right. So I would have to go back to him.

Mr. Croughan: If you can just provide that.

Mr. Lombardini: I can provide that. Yes.

Mr. Croughan: Thank you.

Mr. Lombardini: But I'm also -- can I make one more comment? I'm also assuming that the City would have documentation of the easement as well, and I know that we were trying to request that from you to see if we can cross coordinate the information on our documents.

Mr. Croughan: Yeah. There's no guarantee of that.

Mr. Lombardini: Right.

Mr. Chumard: I'm sure the City would know where the actual sewer lies and wherever on the property that that lies. That could presumably be mapped out.

Mr. Lombardini: Sure.

Mr. Croughan: Mr. Chumard, any questions with the EAF?

Mr. Chumard: I must've reviewed that before. I don't have a copy with me and it's not in my comments, so if it's been submitted, you know, I can't remember

when I reviewed that, but if it's been submitted, then --

Mr. Croughan: So there wouldn't be a problem with doing (inaudible) and declaring ourselves Lead Agency?

Mr. Chumard: I wouldn't think so.

Mr. Higbie: Mr. Martinez, do you have any comments or anything to go over with --

Mr. Martinez: Yes. As far as the plans go --

Mr. Higbie: I think your microphone's off now.

Mr. Martinez: As far as the plans, the only thing I see is putting the alteration, the renovation. What about the addition?

Mr. Lombardini: So you mean site plans or actual floorplans? So like detail --

Mr. Martinez: (Inaudible).

Mr. Lombardini: So we will have detailed floorplans submitted to you because I'm assuming you're the Building Department, right, prior to --

(Inaudible)

Mr. Lombardini: Well, I kind of put two and two together. Prior to us obviously starting construction because we'll have to go through you. We'll also have to go through Theron to get our applicable permits for the project. I know building permit, and then we need to get a fire alarm permit. We're also installing an elevator. We'll have to get an elevator permit, and there might be one more permit that I'm missing. Those are the three that I remember off the top of my head, but yes, we will have to submit that documentation to you prior to construction.

Mr. Martinez: Okay. That's it.

Mr. Higbie: Okay. Thank you very much. The public hearing is still open. Is there anybody in the public that would like to address the Board or to speak to us?

Ms. Hansen, do we have anyone online?

Ms. Hansen: You do not.

Mr. Higbie: Okay. Thank you. And Ms. Tu, anyone on the phone?

Clerk: No. No one.

Mr. Higbie: Okay. So I guess we'll move to close the public hearing. So we're going to close the public hearing.

The public hearing was closed.

Mr. Higbie: The Board, do you have any final questions or any final comments? No? Okay.

Mr. Croughan: Gef, do you see any reason why the Board couldn't vote tonight?

Mr. Chumard: I do not.

Mr. Croughan: Sixto, any reason?

Mr. Martinez: No.

Mr. Higbie: Okay. Great. All right. So the first thing we'd have to do is declare ourselves Lead Agency.

Whereas, the City of Middletown Planning Board has received an application from Cornerstone Family Healthcare, Section 36, Block 15, Lot 4.1, and in the R-2 Zone for a Site Plan Amendment and Special Use Permit for the construction and renovations and additions. The project is located at 10 Benton 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.

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

Roll Call Ayes: Andy Britto, Gretchen Witt, Nicole Hewson, Dave Madden, Dan Higbie.

On the motion by Ms. Hewson and seconded by Mr. Britto, the Planning Board, based upon all of the evidence submitted by Cornerstone Family Healthcare seeking a Site Plan Amendment and Special Use Permit for the construction of addition and renovations, the Planning Board makes the following determination with respect to the environmental significance of the proposed project located at 10 Benton Avenue in the City of Middletown, Section 36, Block 15, Lot 4.1, based upon a reasoned elaboration of 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 will 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 on that term as defined in the Environmental Conservation Law and in Part 617 of the New York SEQRA Regulations.

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

Roll Call Ayes: Dave Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

On the resolution for Cornerstone Family Healthcare, 10 Benton Avenue, an addition to existing outpatient facility and coordination with DPW with respect to the easement and work that the City of Middletown will be doing to the brook. 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: Dave Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

Luis Campos Castro
20-26 West Main Street
Martial Arts Studio

Mr. Campos Castro: Good evening. My name is Luis Campos Castro. I'm the owner of Edge Taekwondo in Middletown, and we're just looking to open up in 20-26 West Main Street, so it would be a martial arts studio. What other information for right now? I'm sorry.

Mr. Croughan: Hours of operation, how many employees, days a week.

Mr. Campos Castro: So employees would just be myself and one other. Business hours, we'd be open Monday through Friday from 3:30 to about 10:00 p.m. and Saturdays from 8:00 a.m. to 1:00 p.m. Sundays are closed.

Mr. Higbie: I should've read this first, but just a heads up. First time applicant appearances are considered a preliminary hearing, and the Planning Board may or may not choose to act or vote on the application tonight just to, you know, give you a heads up.

Miss Tu, can you tell us if the mailings have been submitted?

Clerk: Yes, they have.

Mr. Higbie: Okay. Great. I'd like to open the public hearing. If anyone in the public would like to address the application, please step forward.

The public hearing was opened.

Mr. Higbie: Okay. No problem. Ms. Hansen, can you please tell me if there's anybody online what would like to discuss 20-26 West Main Street?

Ms. Hansen: There is no one at this time.

Mr. Higbie: Okay. Thank you. And, Ms. Tu, anyone on the phone?

Clerk: No, no one.

Mr. Higbie: Okay. No one at this time. Okay. Great. Anyone on the Board have any questions for --

Ms. Hewson: Just curious. How many students per class do you have?

Mr. Campos Castro: Right now, we are capping them at 10 students per class. Before that, you know, before COVID and other regulations, we had about the same. You know, we're still within our first year of operation.

Ms. Hewson: Thank you.

Mr. Campos Castro: You're welcome.

Ms. Hewson: Mr. Higbie, should we mention parking, the waiving of parking, because it's in the --

Mr. Higbie: Yes. And this is also part of the Architectural Review. I mention that now. You're part of the -- the area that your business is in is part of the City that you have to go through Architectural Review Board as far as your signage is concerned and your outside appearance.

Mr. Campos Castro: Yes. I did speak with them as well.

Mr. Higbie: Okay. Great. Great. Anybody else have any questions?

Mr. Britto: Would he have to provide a license, teaching license, or is that something that -- do you have a license to teach martial arts?

Mr. Campos Castro: So there's no license per se.

Mr. Britto: Okay.

Mr. Campos Castro: There is a -- it's called (inaudible). It's the Korean International -- it's University of Taekwondo, and that's who we kind of go through.

Mr. Britto: Okay.

Ms. Witt: I just have another question. Are you CPR certified?

Mr. Campos Castro: Yes.

Ms. Witt: And with first aid?

Mr. Campos Castro: Yes.

Ms. Witt: And do your other members -- are you going to be the sole teacher, or --

Mr. Campos Castro: I am the main instructor, and I'm there every day for every class.

Ms. Witt: Okay. And you'll be all masked and social distanced?

Mr. Campos Castro: Yes. Kids -- there's no contact between them right now.

Ms. Witt: Okay.

Mr. Campos Castro: They all are required to wear masks during class. When they come in, we take their temperatures. There are hand sanitizer dispensers as well as just hand sanitizer bottles throughout the location.

Ms. Witt: Okay. And what about -- and so what age groups are you doing?

Mr. Campos Castro: So different classes. First class, four, five-year-olds, maybe a six-year-old depending on his size and just stage of development. Then next class, six, seven, eight-year-olds, maybe a nine-year-old. Next class essentially 10 and up for teenagers, and then I have one adult class, just a few adults. More of a fitness class than anything else.

Ms. Witt: What do mean, like CrossFit?

Mr. Campos Castro: No, no, no. Just, you know, body weight exercises, stuff like that. Same thing, you know, with kicking and other martial arts aspects to it.

Ms. Witt: Okay.

Mr. Campos Castro: But same thing, no contact.

Ms. Witt: So if they're young children, their parents would not be allowed to stay; right?

Mr. Campos Castro: No.

Ms. Witt: They would have to --

Mr. Campos Castro: No parents are allowed to go inside.

Ms. Witt: Okay. So since you're open on, is it Saturday nights till 10:00 you said; right?

Mr. Campos Castro: No. Saturday morning till -- 8:00 a.m. to 9:00 p.m.

Ms. Witt: So Friday nights you're open until 10:00.

Mr. Higbie: Monday through Friday.

Ms. Witt: Monday through Friday you're open till 10:00. What group are you targeting during the 10:00? Isn't that kind of late for most people to be working out?

Mr. Campos Castro: Yeah. So that's just, I call it the mom class, the parents class. That's just a few adults. Class starts at 8:15, Wednesday at 9:15. I put down 10:00 p.m. just the time it takes for everyone to pack up and leave and for myself to pack up and leave.

Ms. Witt: Okay. Thank you very much.

Mr. Higbie: Great. Any other questions from the Board?

Mr. Croughan: Building Department, any issues?

Mr. Martinez: Will you be doing any renovations inside the building?

Mr. Campos Castro: No. Maybe a coat of paint in the back office, but nothing now.

Mr. Martinez: Will you be catering to handicapped children or anything?

Mr. Campos Castro: It's not something I've really thought about. I don't see why --

Mr. Martinez: Handicapped accessibility. That's why I'm asking.

Mr. Campos Castro: There's no need for a ramp.

Mr. Martinez: No, no ramp. Bathrooms.

Mr. Campos Castro: Bathrooms. I'm not sure if there is a handle on the bathroom. I can't remember right now, but it's something I would look into.

Mr. Martinez: Let us know.

Mr. Higbie: Okay. Anyone in the public -- anybody in the public that would like to address? No?

Miss Hansen, is there anyone online that would like to discuss this?

Ms. Hansen: There is not.

Mr. Higbie: Okay. Thank you. And Ms. Tu, no one on the phone.

Clerk: No one.

Mr. Higbie: Okay. I'd like to close the public hearing then, please.

The public hearing was closed.

Mr. Higbie: Any other further questions from the Board? No?

On the resolution for Luis Campos Castro, 20-26 West Main Street. Parking is waived. Hours of operation are Monday through Friday, 3:30 p.m. to 10:00 p.m. and Saturday from 8:00 a.m. to 1:00 p.m. Subject to Architectural Review Board. 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, Gretchen Witt, Andy Britto, Nicole Hewson, Dan Higbie.

Ms. Hewson: Before you begin, Mr. Higbie, I missed last month's meeting, but before last month, Mr. McCarey served as a great resource to this Board, and I just want to thank him for his many years of service and congratulate him on his retirement.

Mr. McCarey: Oh, thank you very much.

Ms. Hewson: Since you happen to be here and I felt bad missing your last meeting, I just wanted to say that out loud.

Mr. McCarey: Thank you.

Ms. Hewson: You're welcome.

Middletown Downtown, LLC
22-26 Montgomery Street
Residential apartments and an office

Mr. Higbie: If you could state your name for the record.

Mr. McCarey: Adam McCarey, Middletown Downtown, LLC.

Mr. Higbie: Okay. Great.

Mr. Croughan: Mr. McCarey, it might be easier if you take the mask off.

Mr. McCarey: Okay. This is just for Phase 2 of the project. For the first floor, the A building would be the office space in the middle. That would be Mr. Vasapolli's main office, construction office, and then this would be Phase 2, so it would also include the apartments in building B.

Mr. Higbie: Okay.

Mr. McCarey: I'm sorry. I don't have it right in front of me. I was planning on him having it.

Mr. Higbie: That's okay.

Mr. McCarey: This is just us moving to the next level that we talked about before, and we talked about doing it in phases, and that's what this part is, Phase 2.

Mr. Higbie: Okay. Great. I know, Mr. Chumard, do you have any comments on --

Mr. Chumard: We wrote a letter on August 25th and then a follow up letter on August 31st. As of the time we wrote the August 25th letter, we had not received a plan that showed lighting and plantings as is customary in any site plan that's submitted before the Planning Board. Subsequently, when we did get that plan, and it looked good to me, my only comment on the plantings was that we usually ask that when a planting is next to a building that you have non-combustible mulch, and then that note be included on the plan, so I would recommend that that note be added to the plan. The only other thing is that plan was dated February, and the site plan for the parking lot layout is not the same as the most recent parking lot layout.

Specifically, there exist two handicapped spaces in the lot. When we had the Planning Board meeting on February 5th, the Planning Board minutes showed that there would be four handicapped spaces and, in fact, there are two handicapped spaces. So I guess my question would be will there be two more handicapped spaces?

Mr. McCarey: To answer the question about the non-combustible mulch or the combustible material, I'm well versed in the Fire Code. I know that that was a requirement for anything that was against combustible building construction, and these are all non-combustible building construction, all brick, but if that's something that the Board really wants, we can address that to make that a contention of the resolution if you'd like.

As for the parking, we were originally planning on a restaurant. We reduced that down to handicapped spacing just for offices. We are seeking a parking waiver based on the commercial space on the first floor no matter what, so we could have those two spaces; however, we are still requesting parking being waived.

Mr. Chumard: My only comment to that would be, you know, to let us know in accordance with the City parking regulations, how many handicapped spaces are required based on the uses that you have.

Mr. McCarey: Is that something we could do through the permitting process through DPW. If this does require four, we will make four. If two is sufficient, then we'll keep it at two.

Mr. Croughan: We can make it conditioned upon that.

Mr. McCarey: Okay.

Mr. Chumard: All right. Also, if I may, we had requested a new Short Form Environmental form because the one that was previously approved was specific only for Phase 1. Just tonight, I was given the new form, and it looks good to me. I've taken a look at it, but normally what we do is I do a draft. There's a Part 2 and a Part 3 that the Lead Agency has to prepare, not the applicant, so I usually do that as a draft and submit it to the Board for the Board's review. That form is downloadable from the DEC website. Of course, I don't have that form tonight, but just to let you know that I've looked at Part 1 that I was given tonight, and it looks okay to me. I don't think anybody else has seen it, and whether you would like that passed around or copies, that's up to you.

Mr. McCarey: Just to clarify that on the Short Form, it was not based specific on the original form, so if this is Phase 2 of that original approval, I would say, you know, that would be fine, but if you're okay with what we've submitted today, then, you know --

Mr. Chumard: The original form was specifically for the site plan in Phase 1. It stated that, so this looks good to me. It's just that you'd have to --

Mr. McCarey: Oh, here's Mr. Vasapolli.

Mr. Croughan: Mr. Chumard, did you see a problem with giving the approval conditioned upon the Section 2 or Part 2 and 3 being completed at a later date?

Mr. Chumard: Under the circumstances, no.

Mr. Croughan: Thank you.

Mr. Higbie: Okay. I also was going to mention Mr. Adkins's comments, the Fire Inspector. He just wants to ensure that you're aware that the fire alarm and sprinkler inspections will be still be required.

Mr. McCarey: Very well.

Mr. Higbie: Okay.

Mr. McCarey: Very well understood.

Mr. Higbie: Okay. Thank you. I would like to open the public hearing. Is there anyone in the public that would like to speak about 22-26 Montgomery Street, Middletown Downtown, LLC?

The public hearing was opened.

Mr. Higbie: All right. Maria Bruni.

Ms. Bruni: Hi. Maria Bruni, Economic Development. I just want to make the Board aware, I'm sure you are, that on August 8th, the City Council added to the DMU Zoning that, as you're aware, mixed use downtown first floor cannot be residential. The building, Phase 1, is mixed use in this project because it is part of the new criteria that it has to remain mixed use because it has street frontage.

Now, the new criteria for buildings that are not street frontage or have a footprint of a certain size, like 35,000 square feet or more, the Board can do a waiver, grant a waiver for first floor residential. Now, since Phase 2 of this project is the buildings in the rear have no street frontage, they're in the back, you can grant this waiver to allow for first floor residential, but keep in mind that the Phase 1 building that was already approved, that was street frontage and that has to be mixed use first floor commercial.

I just wanted to -- this is a great project. I mean, we looked at the zoning in the downtown because there are some challenging buildings, and so that's why we did this. But next month also at the Planning Board, I spoke to Chairman Capozella, I'm going to be making a presentation outlining this further, but this project would fit what is added to the new zoning -- amended to the zoning for DMU. That's all I want to say.

Mr. Higbie: Thank you. That's great. Thank you. So I'm going to continue to open the -- the public hearing is still open. Is there anyone else in the public that would like to speak about this project?

Ms. Hansen, do we have anyone online that would like to speak?

Ms. Hansen: We do not.

Mr. Higbie: Okay. Thank you. And Miss Tu, no one on the phone.

Clerk: No one.

Mr. Higbie: Okay. Thank you. We'll keep the public hearing open while we continue with the Board. Does the Board have any questions that they would like to ask?

I assume you guys will be looking for that waiver for this phase for the first floor commercial; correct?

Mr. McCarey: Yes.

Mr. Higbie: Okay.

Ms. Hewson: What are the hours of operation for the office?

Mr. Vasapolli: I'd say it's from 7:00 to 5:00, 6:00.

Ms. Hewson: Okay. 7:00 to 6:00 daily?

Mr. Vasapolli: Most likely. Yes.

Ms. Hewson: Okay. Thank you.

Mr. McCarey: And that waiver would be for all buildings other than A, which would be that main frontage building; correct?

Mr. Higbie: Maria, can you please -- the question is is it just the waiver is for all of the buildings except for the one?

Mr. McCarey: All buildings except for the one that has the road frontage?

Ms. Bruni: Correct. So the buildings in the rear -- the one that you guys approved has to remain mixed use. That has road frontage, so you cannot grant residential on the first floor for that building.

Mr. Higbie: Okay.

Ms. Bruni: The ones that they're talking about, Phase 2 in the rear, you can grant it.

Mr. Higbie: Those we can waive the first floor and make it residential.

Ms. Bruni: Correct.

Mr. McCarey: Thank you.

Mr. Higbie: Okay. Any other questions or comments from the Board? I'd like to go back to the public. Is there anybody in the public that would like to speak to 22-26 Montgomery Street, Middletown Downtown, LLC? No?

Ms. Hansen, anyone online?

Ms. Hansen: There is not.

Mr. Higbie: Okay. Thank you. And Martina, anyone on the phone?

Clerk: No one.

Mr. Higbie: No one. Okay. I'm going to go ahead and close the public hearing.

The public hearing was closed.

Mr. Higbie: What I'm first going to do is we're going to declare ourselves Lead Agency.

Whereas the City of Middletown Planning Board has received an application from the Middletown Downtown, LLC, tax map designation Section 31, Block 3, Lot 1, and located in the DMU Zone, for a site plan amendment and special use permit for the construction of four buildings with a total of 25 apartments and three tenant rental spaces. The project is located at 22-26 Montgomery Street 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.

Motion by Mr. Britto, seconded by Ms. Hewson

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

Mr. Higbie: Negative declaration. On a motion from Mr. Britto and seconded by Ms. Hewson, that the Planning Board, based upon all the evidence as submitted by Middletown Downtown, LLC, seeking a site plan amendment and special use permit for the construction of four buildings with a total of 25 apartments and three tenant rental spaces, the Planning Board makes the following determination with respect to the environmental significance of the proposed projects located at 22-26 Montgomery Street in the City of Middletown, Section 31, Block 3, Lot 1, based upon a reasoned elaboration of the potential environment 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 will 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 SEQRA Regulations.

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

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

Mr. Croughan: Before we get to the motion, Gef, what was the final wording on the combustible mulch or not?

Mr. Chumard: Non-combustible mulch is always recommended against a building. Mr. McCarey distinguishes between frame buildings, combustible buildings, and masonry buildings, which this is. I would recommend that the note be added, you know. I think there have been instances of fire and fire damage even with buildings that have involved steel and masonry, but that's up to the Board. My recommendation would be to have them the note.

Mr. Higbie: Okay. Yeah. We'll take your recommendation, and it sounds like they're agreeable to that.

Mr. Croughan: So if you can just make that notation on your site plan, please.

Mr. McCarey: Okay.

Mr. Higbie: Okay. Great.

Mr. McCarey: Should we add the non-combustible shrubs?

Mr. Vasapolli: If I put stones, they'll throw them in the window. Mulch is that much mulch. There's three pieces of mulch. I don't put a lot of mulch.

Mr. Higbie: We do our part.

Mr. Vasapolli: I do appreciate it.

On the resolution for Middletown Downtown, LLC, 22-26 Montgomery Street, for 21 apartments and one tenant rental space, permitted office use. Hours of operation 7:00 a.m. - 6:00 p.m. Waive first floor commercial for rear buildings. Parking is waived. Conditioned upon Part 2 and 3 of the EAF form being approved and ADA requirements for parking being met. 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, Gretchen Witt, Nicole Hewson, Dan Higbie.

RDM Group
102-128 Dolson Avenue
Distribution Center

Mr. Croughan: This is a continuation of the public hearing.

Mr. Higbie: Once again, your name and your title.

Mr. Newman: Isaac Newman from the RDM Group.

Mr. Higbie: Okay. Mr. Newman, can you just please give us a background of the project for people that would like to, you know, and the public hearing and, you know, what exactly you want to, you know, what your intentions are?

Mr. Newman: Yeah.

Mr. Higbie: Thank you.

Mr. Newman: So a retail location was occupied by National Wholesale Liquidators until about a year and a half ago at this point. Sat vacant until we came along and presented the project to be able to create a very light industrial distribution from the facility by adding height, which I think we came in front of

the ZBA several times ago to go for that variance for the height and also for several other items, but the most important ones were obviously for the benefit of the building, and the use of the building would be for the loading docks across the front of the building, which we also anticipate to have to be shaded. We're going to redo all of the pavement around the building to accommodate that as well as raising the roof and putting a new façade on as well as new lighting and basically just upkeep. I felt that -- the township also felt that the use would be conducive to obviously the market and marketability of the property.

Mr. Higbie: Okay. Thank you. Is there anyone in the public that would like to speak on this?

The public hearing continued to be open.

Mr. Higbie: No? Okay. Ms. Tu, do we have anyone on the phone?

Clerk: No.

Mr. Higbie: Is there anyone online?

Ms. Hansen: No. There is not at this time.

Mr. Higbie: Okay. Thank you. I'd like to go to the Board. Does anybody have any questions from the Board? Okay. Mr. Madden.

Mr. Madden: Page 3 of your plan is the layout plan.

Mr. Newman: Mm-hmm.

Mr. Madden: There's a notation on there that says that trucks parked here can exit from either entrance on-site.

Mr. Newman: Mm-hmm.

Mr. Madden: So how would those trucks leave those spots and then exit from the northeasternmost entrance to that site?

Mr. Newman: Okay. So I believe we had a turning radius truck plan that we had sent to show how the truck would go in and out. I mean, originally when we came in to present the project, we were anticipating just going from that, I want to call it the rear access, which was already designated for truck deliveries for the building

itself. I would use that -- maintain that solely, although I think there was a comment that it would be easier to also allow the trucks to come from the main access route as well, so that just allows for easier distribution, easier flow of traffic for, you know, the trucks itself.

Mr. Madden: Not sure if I understand the answer because I believe that the flow is supposed to be one way around that property.

Mr. Newman: Okay.

Mr. Madden: And I also thought that we were not allowing flow on the northern side of that property with trucks other than fire trucks. So how would a vehicle, how would a truck, get to that northeastern entrance to exit?

Mr. Newman: I'm here. Yeah. Go ahead. (put someone on speakerphone -- inaudible)

Unidentified Male: (inaudible)

Mr. Croughan: Is your engineer almost here?

Mr. Newman: Ten minutes.

Mr. Croughan: I thought he was parking. It's kind of hard for the public to hear him talking through the phone and not identifying himself first and foremost.

Mr. Newman: I understand. Right. No, I hear you. I'm sorry about that.

Mr. Croughan: I don't know if the Board wants to table till the engineer gets here or to proceed.

Ms. Hewson: I would love a brief recess of five to ten minutes, if that would be all right with the rest of the Board members.

Mr. Higbie: We had an issue where everybody wanted to be last, but our next one is ready.

Mr. Croughan: We'll just briefly second call your case.

Mr. Higbie: Okay. All right. So we're briefly going to close your case, and then if we could, I guess they're going to be presenting virtually.

Clerk: Yes.

203-213 Wickham Avenue, LLC
203-213 Wickham Avenue
Barber shop

Mr. Thompson: Good evening, everyone. Joseph Thompson here. I represent the application for 203-213 Wickham. Can everyone hear me okay?

Mr. Higbie: Yes. We're good. Thank you, Mr. Thompson.

Mr. Thompson: Great. This was a project that was approved last year for a site plan redevelopment. A lot of this work has been executed now, and we're working with the owner to try to lease these spaces, and for two of the spaces, we have a barber and a beauty salon interested in two of the suites, which submitted in the packages. The original approved plan with the tenant spaces altered to show the proposed configuration and the location of these two suites.

Basically, my understanding is that due to the use, they require oversight by the Planning Board, and as the Planning Board considers applications, we try to reoccupy this building.

Mr. Higbie: Great. Thank you. I'd like to open the public hearing. Is there anyone in the public that would like to speak about this project? No?

The public hearing was opened.

Mr. Higbie: Ms. Hansen, is there anyone online that would like to speak from the public?

Ms. Hansen: Not at this time.

Mr. Higbie: Okay. Thank you. And Miss Tu, no one on the phone?

Clerk: No.

Mr. Higbie: Okay. Great. Thank you.

Mr. Croughan: I think we have to take them one at a time.

Mr. Higbie: Yes. We're doing the first one; right?

Mr. Croughan: Okay.

Mr. Higbie: Yeah.

Mr. Croughan: So which one is this, the barber or the --

Mr. Higbie: This is the barber shop. Correct. Yeah. Barber shop first. Just for the record, I did get a license. I'm not sure if everybody got that in the packet or not, but we did get --

Clerk: No. It just came today.

Mr. Higbie: Okay. We did get a license, you know, of one of their barbers.
Does the Board have any questions about the barber shop?
Can you please go over your hours of operation, Mr. Thompson?

Mr. Thompson: I'm trying to remember exactly what was submitted. We handwrote those on the application, but I'm going to from memory, that I believe we were Monday through Saturday, pretty standard business hours. Did we list 9:00 to 5:00?

Ms. Witt: 9:00 to 7:00.

Mr. Thompson: 9:00 to 7:00?

Mr. Higbie: Okay. We have it. I'm sorry. Just for the record, it's Monday through Saturday, 9:00 a.m. to 7:00 p.m., closed on Sunday.

Mr. Thompson: Thank you.

Mr. Higbie: Yeah. Thank you. Sorry. Any questions from the Board?

Mr. Croughan: Building Department, any issues?

Mr. Martinez: No issues.

Mr. Higbie: No issues from the Building Department. Okay. Great. And just for the record, there's no comments from the Fire Inspector, Theron Adkins, about this project. No other notes. He did respond saying that he has no comment on this.

And, Mr. Chumard, this building is an existing building. There's nothing. Okay. I just figured I'd check since you're still here.

I'd like to go back to the public hearing. Is there anyone here that would like to speak on this? Okay. Thank you.

Ms. Tu, anyone on the phone that would like to speak?

Clerk: No.

Mr. Higbie: Okay. And Miss Hansen, anyone that would like to speak online?

Ms. Hansen: Not at this time.

Mr. Higbie: Okay. I'm going to go ahead and close the public hearing.

The public hearing was closed.

Mr. Higbie: Any further comments from the Board or anything?

Ms. Hewson: When we put together a resolution for something like this, we usually mention that all state licenses are required.

Mr. Higbie: Okay. I'll make sure I add it.

Mr. Britto: Do we have to waive parking?

Mr. Croughan: Martina, just for a matter of housekeeping, we have the mailings?

Clerk: Yes, we do.

Mr. Croughan: Thank you.

Mr. Higbie: Thank you.

On the resolution for 203-213 Wickham Avenue, LLC, a barber shop. Parking is waived. Hours of operation are Monday through Saturday, 9:00 a.m. to 7:00 p.m., closed on Sunday. Licensed by the State. 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. Witt, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

203-213 Wickham Avenue, LLC
203-213 Wickham Avenue, LLC
Beauty salon

Mr. Higbie: Mr. Thompson, are you also I'm assuming doing the next one for the beauty salon as 203-213 Wickham Avenue, LLC?

Mr. Thompson: Yes, sir, and all of the same commentary applies from the prior application, also consistent hours of operation and a similar size space. Again, all the same parameters apply to the prior --

Mr. Higbie: Okay. So I'd like to open the public hearing on this.

The public hearing was opened.

Mr. Higbie: Once again, it's 203-213 Wickham Avenue for a beauty salon. Is there anyone from the public that would like to speak on this? Is there anyone online, Miss Hansen?

Ms. Hansen: There is not.

Mr. Higbie: Okay. Thank you. And Martina, no one on the phone?

Clerk: No.

Mr. Higbie: Thank you. Board, do we have any comments on this?

Mr. Croughan: What would they be doing with respect to the beauty salon?

Mr. Higbie: Yeah. We just wanted to get some clarification, Mr. Thompson, if you would, please, about what type of services. I'm assuming no nails, but if you could please clarify exactly what you're --

Mr. Thompson: That is correct. So it's essentially primarily based on hair services and likely makeup, but not nails or manicures or anything like that or any chemical use associated with manicures, so again, just a general service beauty salon.

Mr. Higbie: Okay. Great. Thank you. And just so everyone has it on record, Mr. Adkins, Fire Inspector, his only comment was if they were doing manicures about requirements for exhaust fans, etc., but no other comments on this.

Mr. Britto: So should we put it in the resolution that it's a hair salon so as to make sure that they understand that nails shouldn't be done there?

Mr. Higbie: Yes. I will actually use those words, no nails. Okay. Any other comments from the Board?

Mr. Croughan: Is that what the Board wants, no nails, or is it hair salon and facials?

Ms. Hewson: We usually say no massage also.

Mr. Higbie: Mr. Thompson, if we put it in our resolution no nails and no massages, that's not services that you're doing; correct?

Mr. Thompson: That's fine also. There's no intended massage therapy to be performed in the space either.

Mr. Higbie: Okay. So in our resolution, we're going to include no nails and no massages. Okay. Thank you. Any other questions or concerns from the Board?

Ms. Hewson: The hours are the same as the barber shop?

Mr. Higbie: Yes. Same as the barber shop, 9:00 a.m. to 7:00 p.m., Monday through Saturday and closed Sunday.

I'm going to close the public hearing on this, the public hearing on 203-213 Wickham Avenue beauty salon.

The public hearing was closed.

On the resolution for 203-213 Wickham Avenue, LLC, a beauty salon. Parking is waived. Hours of operation are Monday through Saturday, 9:00 a.m. to 7:00 p.m., closed on Sunday. No nails and no massages. Licensed by the State. 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 Mr. Madden.

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

**RDM Group -- 2nd Call
102-128 Dolson Avenue
Distribution Center**

Mr. Higbie: Once again, this is the RDM Group, 102-128 Dolson Avenue, for a distribution center.

The public hearing remains open.

Mr. Croughan: Mr. Chumard, do you have comments while the applicant is getting set up?

Mr. Chumard: The traffic narrative had mentioned something about exiting the northerly entrance and had said the entrance to that northerly entrance would be by right hand turn only, so that would mean the only trucks that would be able to enter that northerly entrance, the one that's next to Walgreen's, are trucks coming through town. It also says that the traffic flow along the street that's parallel, the drive that's parallel to Dolson Avenue, would be north and south only. So that kind of means that you wouldn't be allowed, trucks would not be allowed to exit that northerly entrance. All trucks would have to exit by the signal exit, and the only trucks that could utilize the three spaces, dock spaces on the side that faces the street, would be those trucks coming in through Middletown and turning right into that northerly entrance. That was my understanding based on my reading of the narrative.

The other thing would be that they estimated that there would be about 21 truck trips per day of which 85 percent would be coming from the south from I-84, and 15 percent would be coming through Middletown. That equates to about three

to four trucks a day that would be coming through town, and they had suggested a possible route, you know, said that there could be other routes, but that might be something that, you know, the Planning Board or maybe the DPW or even the Police might want to weigh in on which routes the trucks should be coming in from Route 17.

I also mentioned the need for a (inaudible). That was submitted and approved, so that's not an issue.

And I know that Mr. Capozella was concerned about screening of the spaces.

That's all that I have.

Mr. Croughan: Gef, was there an elevation done so that traffic going up and down Dolson, whether they could see the proposed building and truck traffic? Would that be screened out?

Mr. Chumard: Well, there were -- some of the truck bays would have to be at a lower elevation than presently grade. I don't know if that in itself would be sufficient for screening, and there was proposed tree plantings along the side. Again, whether or not that's sufficient for screening, that's a judgment call.

Mr. Croughan: What are the heights or proposed heights of the trees that would be planted for screening?

Mr. Chumard: I don't recall on the plan.

Mr. Higbie: Yeah. I don't think it was on the plan, the height of the trees. Maybe you can -- when you come up, if you could just introduce yourself and, you know, and your role.

Mr. Cokeley: Sure. First of all, sorry for being late. I had another meeting. The other project manager in my office, his daughter tested positive, so he had to bail on that one, so then I had to do that one, and then I thought with the timing I would make it here on time, so I apologize to you.

My name is Jesse Cokeley, Project Manager with Maser Consulting, the engineer of record for the project.

So on the landscaping plan, we do specify that the install height of some of the trees would be like 6', 7'. If the Board wanted them to be installed a little bit higher, we could do that, but we would have to work with, you know, the nurseries to see how many they would have at, you know, a certain height.

We did prepare and submit, and I have with me tonight kind of like a black and white cross section, which is looking at the building here. And what we have

here is basically, in the corner I have a key map showing the site. This is basically looking from almost like the main entrance of Dolson Avenue at the building here, so you have the loading docks in this area and then kind of the retail part on this end. So when looking at the picture here, Dolson Avenue is on the right hand side. We kind of have room for the drive aisle here, and then start of the building there's a gap, and then the first kind of truck bay starts, you know, about, I don't know, 30' from the edge of the building, and then we have the truck bays here.

We are proposing a 6' high fence in between the parking area and the loading bays, and also, so we do have that fence at this location, and then the screening as well. It's a mix of evergreen and then some ornamental shade trees to kind of vary in height and look as well, and then since we're redoing the parking lot between that space and the main entrance, we are able to actually add a few landscaped islands which will also be planted with some trees as well. So those would kind of be even more in the foreground here.

And then this is kind of an initial look of what, you know, what some of the larger trees would look like when they're fully grown and then some of the smaller shrubbery in that area. This was submitted last time, but I have a full size copy with me here tonight where you can kind of see the effect of that. The only thing on this plan that the Architect wasn't able to do was kind of show the fence as being opaque. They show it as more of like a split rail fence, but it would be board-on-board fence that you would not be able to see through.

So the loading docks would kind of be behind there. Because of the existing finished floor of the building, they would kind of be slightly higher than the elevation of the road in Dolson Avenue there. If you were driving on Dolson Avenue and looked to your right at the buildings here, it's a little bit higher. We're going to have a 4' fence there. We're not allowed to do 6' in the front yard, but we do have a 4' fence and then some more plantings along this side.

So from this aspect, you know, the visual would be very minimal. Coming this way, you will see it, but we're trying to break it up as best we can with the landscape screening and then the fence as well.

Mr. Higbie: And there's a new sidewalk there; right? I don't see it on here.

Mr. Cokeley: Yeah. There is a new sidewalk. There kind of exists, it's like a worn in path, I would call it now.

Mr. Higbie: Yeah. But you're going to --

Mr. Cokeley: But it would be formalized into a sidewalk, yeah, and then --

Mr. Higbie: And maintained obviously.

Mr. Cokeley: The fence would be on the other side of that, so if you're walking, you won't, I mean, it's a 4' fence, but you know.

Mr. Higbie: As you know, that's very well walked. I mean, we -- very well traveled there.

Mr. Cokeley: Yeah. And we bring them all the way to, you know, the site entrance.

Mr. Croughan: What's the height of a truck?

Mr. Cokeley: So we do show that in the exhibit here, but I think they're usually around 13' high. Most of the modern ones are.

Mr. Croughan: So it would be 7' of exposure of a truck if looking from Dolson up towards the building when the trucks are driving around?

Mr. Cokeley: I mean, yes if you were to do straight subtraction, but with line of sight, you know, angles, it won't be -- it could be more, could be a little less, but that's probably like on average, I guess I would say. I would mostly say less, but maybe a foot or two less, 6', 5'.

Mr. Croughan: Do you have any line of sight drawings?

Mr. Cokeley: So this one is, you know, the best approximation that we have, and then we kind of supplemented it, or we used that to supplement this one here, like an over the top, you know, kind of aerial view, if you will. So no particular line of sight. If we were to put, you know, a vehicle on Dolson Avenue and shoot, you know, line of sight, they would probably be -- I think a driver's eye height per (inaudible) is about 3 ½' high off the ground, so if you're at 3 ½' looking up, I mean, you're probably going to see I would say above the cabs of the truck. You would probably see the box, the trailer of the truck, more than you would see the actual front of the truck. You'd probably see the tops.

Mr. Croughan: How long would a truck idle there?

Mr. Cokeley: So they're not going to idle. They're going to park and then load and unload. I think it depends on the operation itself. I don't think they're going to idle with their engine on, but --

Mr. Newman: No anticipated idling.

Mr. Cokeley: Yeah.

Ms. Hewson: I was curious. I was going to ask about the idling as well, but from the perspective of if the drivers are tired and they decide to park somewhere, is there going to be an area where they're going to leave their trucks idling, because there are streets up and behind the shopping center.

Mr. Cokeley: They will not be left on to idle on the site, and from -- I think this came up before when I was en route, but, you know, we did meet with the Fire Inspector to go over his concerns and some of the access, and then also as Mr. Chumard noted with the narrative, which I think needs just a little bit of clarifying on that, and so --

Mr. Higbie: Can you tell me if there's going to be any overnight parking allowed at all? I'd like to put that in the resolution of there's no -- yeah -- no overnight parking.

Mr. Newman: No overnight parking.

Mr. Higbie: Because at our last public hearing, we had some neighbors that were very concerned that, you know --

Mr. Newman: Right. They were concerned, but I think they live on the other side of the building.

Mr. Higbie: Right. Exactly.

Mr. Newman: So they live here.

Mr. Higbie: Yes. Exactly.

Mr. Newman: And actually, originally there were loading docks here, and we eliminated them, so now you're talking about a whole buffering of the building.

Mr. Higbie: Right. But no overnight parking.

Mr. Newman: No overnight. Actually, we were going to designate some trailer parking over here. We eliminated that, so we're just keeping it just loading, so nothing.

Mr. Higbie: Perfect. That answers that. And I also, when you get a chance, you have to address Mr. Chumard's traffic --

Ms. Witt: What are your hours of operation? Are they going to be 24 hours? Can they be 10-hour, 12-hour shifts? How many hours?

Mr. Cokeley: I think they would like to allow the trucks to arrive at any point given, you know, their destination or arrivals, but I don't think it's going to be like -- it's not anticipated to be a fully-staffed 24-hour --

Mr. Newman: I think I had mentioned already that there was a company that was looking at this project to occupy the space. I'll just let you know, I think I mentioned and it might be in the recording, a lighting company. So it's the same lighting company still involved here. Their hours of operation I think are from 9:00 till 6:00 actually active. That's it. I don't anticipate any trucks being overnight over there or any kind of deliveries over there. It's not the type of lighting like traditional Home Depot lights. It's more like European style lighting, so they're very coordinated with what operations are allowed in the building at those times because of the merchandise that's there. They want to have it closely guarded, but I don't anticipate there being any loading outside of those hours of operation. You know, again, a truck coming at, you know, a little earlier or a little later, that would happen, but we're not talking about, you know, 2:00 deliveries.

Mr. Hewson: So I think that the chandelier or lighting company is fantastic, but when we are coming together as a Planning Board, our concern is for the use of the property, so if your lighting company were to pull out and then you rent out to someone else and they're doing 24/7, so are you guys willing to commit to a certain timeframe for hours of operation?

Mr. Newman: You know, I understand your point. I think that if there is another operation in here, we could obviously come back to the Board and represent that, if that's okay.

Ms. Hewson: Okay. My concern is for the residences that are nearby there.

Mr. Newman: Oh, sure.

Ms. Hewson: I just want to make sure that they're not disturbed.

Mr. Newman: Yeah. I think that moving all that to the front and nothing coming

on in the back except for, you know, fire department access really eliminates a lot of that situation, and I think that's what we tried to do here with the design.

Ms. Hewson: I think that's great, but the commitment, I mean, it doesn't even have to be 9:00 to 6:00. You could even extend it out, but some kind of commitment would be probably a good idea.

Mr. Newman: It's really up to the Board.

Mr. Croughan: I think if you're 9:00 to 6:00, 8:00 to 7:00. Gives you an hour window on either side.

Mr. Higbie: Yeah. Or 7:00 to 9:00, whatever.

Mr. Newman: Right. We can do 7:00 to 9:00 if that's okay with the Board.

Ms. Hewson: Okay.

Mr. Newman: Yeah.

Ms. Hewson: Perfect.

Mr. Newman: Great.

Mr. Higbie: What happens is, what we're afraid of is that we're afraid that people are going to, you know, oh, I'm going to be the first truck in tomorrow. I'm going to come in at 5:00 a.m., and I'm going to sit there and idle in my truck for two hours until the warehouse opens at 7:00, but we don't want to do that to these poor people that live around the corner.

Mr. Newman: 100 percent, and I don't want to do that to them, and I think for the hours of operation that you're allowing us today, I think it's reasonable for everyone.

Mr. Higbie: Okay. Perfect.

Ms. Hewson: All right.

Mr. Higbie: I'm going to put that in the resolution. Just say no trucks before 7:00 a.m. type of thing.

Mr. Newman: To 9:00. Yes.

Mr. Cokeley: And then, Isaac, correct me if I'm wrong, we did put this in a narrative, but it's not solely tractor trailers; right?

Mr. Newman: Yes.

Mr. Cokeley: It's sometimes going to be like a van, it could be a box truck type of thing.

Mr. Newman: I was actually there with one of the managers, the warehouse manager, late last week, and he doesn't even anticipate using most of these loading docks for trailers. He says that a lot of the times they're doing like specialty deliveries. They're using like box trucks and vans, lighter on the tractor trailers.

Mr. Cokeley: So we did include a series of truck turns, but I think to Mr. Chumard's point, these bays here, and even a few on the bottom on this end, wouldn't allow for trucks to kind of do a full movement to access them (inaudible) certainly, so we are proposing this to be one-way, you know, going north to south here. To access these, you know, those few trucks would have to turn in at this entrance, pull down, and back into these, and then to exit, you know, they certainly couldn't make a hairpin maneuver. So, you know, all of the exiting will be through this way. I think we provided some of the turns that showed like maybe some of the smaller vehicles could, but we're going to stick with one-way here, so that would be part of the pre-site plan or resolution.

Mr. Higbie: Okay.

Mr. Cokeley: Then we did, after meeting with the Fire Inspector, you know, they had definitely voiced that they would prefer this to be, you know, fire access only. I think it would only be an emergency scenario where a truck would need to do this, if for whatever reason the main entrance was blocked or something to that effect, but we would like to have all of the trucks exiting from the main entrance.

And then the breakdown of the 85 versus 15 percent is really driven by like the number of trucks that we think would access these trucks and be better suited coming from this direction. But to his point, if the Board had a preference on route, you know, we're flexible with that.

Mr. Croughan: Is that now reflected on your site plan, the traffic flow?

Mr. Cokeley: So I believe we do show -- I thought we had added the (inaudible),

but we can add some striping and signage that says one way on that southern drive aisle, you know, as part of that. And then if we need to add a note, I think we did have the one that says like these trucks, you know, the ones on the eastern side parked here, can only exit via the main entrance, but we're fine with extending that to all of the loading docks as well.

Mr. Croughan: And then I think you had to strike the one comment that Mr. Madden had referred to as well.

Mr. Cokeley: Yeah.

Mr. Higbie: Yeah. And I think we would like to have a little larger of a tree that, like a more mature tree planted at the beginning for the esthetics. And just so you know, you would be required if a tree, you know, to replace a tree in case they don't make it or whatever.

Mr. Croughan: What's the minimum height you're requiring as --

Mr. Higbie: You're proposing 7'?

Mr. Cokeley: We had 7' on there because that's like the typical for that tree size that's mostly available. I think we could go to like 8 to 10 if it's available, you know, in some cases -- I'd have to see how readily available 12' trees are, but we can kind of do some balance. If you want to say 10 to 12, I think we could probably work with that as like an average.

Mr. Higbie: Yeah. I think that's reasonable.

Ms. Hewson: They're going to grow anyway.

Mr. Cokeley: Yeah. Cypress trees --

Mr. Higbie: (Inaudible) for the larger.

Mr. Cokeley: Okay.

Mr. Higbie: Remember we waited for you, you know?

Mr. Cokeley: Yeah. Just to let you know, some of the trees that we planted before are trees that grow about 2 to 3 feet on average per year.

Mr. Higbie: Per year, yeah.

Mr. Cokeley: By the time we finish the building after we do the landscaping, it'll probably be up to that, 10 to 12', but we're happy to put that in.

Mr. Higbie: Yeah. I was going to say I don't know if the Board, with the fence on the side, you mentioned that the ordinance is only for a 4' --

Mr. Cokeley: Right. So along Dolson, which is in the front yard, we would have to -- it's limited to 4. If the Board wants a 6, I don't think we have a problem with that. We're going to do 6 for this whole stretch, so --

Mr. Croughan: Is 4' the max that you were required or --

Mr. Cokeley: So I think that's the maximum that the ordinance says for a fence in the front yard. I don't know if that would need a variance from the Zoning Board.

Mr. Croughan: You would.

Mr. Higbie: But that's the Planning Board.

Ms. Hewson: It's the Planning Board. It's a special use permit.

Mr. Higbie: It's a special use permit.

Mr. Cokeley: Okay.

Mr. Croughan: But then they'd have to do a separate application.

Mr. Higbie: Okay. Okay. Our Board would also grant you the -- but we don't want to stall you guys.

Mr. Cokeley: Appreciate that. Maybe what we could do is a, you know, say that we'll file that, you know, as like an amended application after the fact if this is, you know, voted with these other conditions, you know, maybe --

Mr. Higbie: I don't know what the Board would think. I'm thinking that if you guys are concerned about -- I know everybody's asking about what you're going to be able to see from your cars and whatever, obviously 2' more of fence, but I don't know if that's anything that's important to anybody.

Mr. Madden: I don't think along Dolson Avenue, you know, I mean, the frontage we want blocked is where there's 21 bays or 18 bays. I think that 4' along Dolson Avenue is sufficient.

Mr. Cokeley: Thank you.

Ms. Hewson: I agree with that except that I was thinking pedestrian safety, so I thought the taller fence because of that.

Mr. Madden: They're not going to fall over a 4' fence.

Mr. Higbie: Well, the same goes for us that if you guys, during the project, if you decide that you would rather have a 6' --

Ms. Hewson: Oh, no, no. I meant -- I didn't mean falling.

Mr. Newman: Yeah. We could come back. I mean, we could also recommend if the Board wants to see the fence, posts that and decides that they want to change that, we can also go back at that time to do some amendment to the fence.

But I think there is an elevation between that sidewalk --

Mr. Higbie: Yeah. Correct.

Mr. Newman: How many feet, 6?

Mr. Copeley: It does vary, but I think at the high it's like 6 to maybe even more from Dolson Avenue.

Mr. Newman: Right. So 6 plus 4, you're already --

Mr. Higbie: I worked there as a kid.

Mr. Newman: Oh, in there?

Mr. Higbie: I worked in the pool --

Mr. Newman: Oh, the pool guy right here.

Mr. Higbie: 30, 40 years ago. 30 years ago.

Mr. Newman: Wow. He's been there for that long.

Mr. Madden: Can I ask another question?

Mr. Higbie: Yes, please.

Mr. Madden: So Mr. Chumard had discussed the route that the trucks coming off of Route 17 might flow through the City, and I know that in his notes he had proposed exiting from 122 and going down East Main Street, turning onto Academy, which those roads are far wider than Wickham and North, and so I think that was a good route. Your truck circulation also discusses trucks leaving through the main entrance and turning left, which is northbound onto Dolson Avenue. Could we suggest that those trucks also follow that same route going up Academy and turning right onto East Main Street out to Exit 122?

Mr. Cokeley: For both arriving and departing?

Mr. Madden: Yeah.

Mr. Cokeley: Yeah. I don't think that's an issue. If they're wider streets, I think trucks might naturally go there.

Mr. Croughan: Mr. Chumard?

Mr. Chumard: An alternative would be, if you were concerned with left hand turns, if every truck were to make a right hand turn, I'm not suggesting that should be a requirement, but just a right hand turn would lead to Route 84, which the next exit is Route 17, at which time they could go north or south on Route 17. Just a thought. But whatever route is going through town, my suggestion is that the DPW and the Police be consulted.

And also I'd just like to reaffirm your representation that there would be about 21 truck trips per day. Is that still the thought?

Mr. Newman: If not less.

Mr. Madden: One additional comment. In your narrative, also you discuss trucks turning left into the southern main entrance or left into the northeastern entrance, so are we still proposing that trucks are going to be stopping without the light and making a left hand turn off of Dolson Avenue into that location?

Mr. Cokeley: I think that should've been clarified as if the fire truck needed to come that way. I think when we spoke to the Fire Chief, he had said if their main

access was blocked to get to the site, they would have to do that, so that should've been clarified. I think it's a fire truck. We don't anticipate any trucks going past the main entrance to turn left.

Mr. Madden: Thank you.

Mr. Croughan: Anything further from the public?

Mr. Higbie: Anything else? So the public hearing is still open. Is there anyone from the public that would like to speak on this? Okay.

Miss Hansen, do we have anyone online?

Ms. Hansen: Not at this time.

Mr. Higbie: Okay. And we know, Ms. Tu, there's nobody on the phone.

Clerk: No one on the phone. No.

Mr. Higbie: Okay. Thank you. So we're going to leave the public hearing open.

Mr. Croughan: Well, it seems like Mr. Chumard would like some input from DPW and from the Police, so I would ask if Martina could send a letter to them to get their input on the traffic flow and maybe make all the changes that we had discussed tonight on a site plan for future consideration, so if you can get it in for next month, then if we can get the comments back, then maybe we would be in a position to act on it next month. That would be my suggestion. I don't know if the Board would like that or is ready to act tonight.

Ms. Hewson: Is there a way that we can have, if everyone agrees that it should pass this evening, but have them enact whatever the recommendations of the DPW or the Police are for traffic flow, or is that too uncustomary?

Mr. Madden: I'd be comfortable with that.

Ms. Hewson: You would be comfortable with that? Are you gentlemen comfortable with that?

Mr. Cokeley: I'm okay with what Mr. Chumard has proposed. If DPW and Police come back with a similar effect, I don't see any need for us to come back. We're fine with accepting those truck routes.

If it was drastically different, we'd like to take a look at it, but otherwise,

you know, we're okay with those suggestions, so if they match that, and Fire seemed to be okay with that, so that would be our position if we could --

Mr. Hewson: Is that doable, Mr. Croughan, or --

Mr. Croughan: Well, it would be hard to say because we don't know what their decision would be.

Ms. Hewson: Yeah, true.

Mr. Croughan: So if it was drastic, then they want to look at it again, and if not, then they're okay with it, I don't know what they're going to decide.

Mr. Britto: Could it be contingent on them accepting the recommendations of DPW and the Police Department, and then if they don't accept them, they'll have to come back and present an alternative? Is that how that works?

Mr. Croughan: It could be, or you could just wait for their decisions.

Mr. Higbie: Will you be comfortable with a contingency in your approval saying that it's -- obviously it's always contingent to DPW and to the Fire Department anyway, but we would put another step on and say that it's contingent on comments and considerations of --

Mr. Newman: Yes, we would. We would appreciate that. Yes.

Mr. Higbie: Yeah. Because then that way there, you know, you might be able to get, you know, knowing that the project itself is going to be approved, it's just that your traffic flow or your whatever might not be --

Mr. Newman: That would be great. That would really help. Yeah.

Mr. Higbie: Okay. Is everybody -- all right.

Now that we've made these changes, is there anyone in the public that would like to speak on this? Anyone online, Miss Hansen, for the final time tonight?

Ms. Hansen: Not at this time.

Mr. Higbie: Okay. Thank you. And Miss Tu, no one is on the phone.

Clerk: No one.

Mr. Higbie: Okay. So I'm going to go ahead and close the public hearing.

The public hearing was closed.

Mr. Newman: Thank you. Thank you very much. We really appreciate it.

Mr. Higbie: All right. Thank you.

Mr. Croughan: Mr. Chumard, there's no issues with declaring us Lead Agent?

Mr. Chumard: No. That has been taken care of. I don't know if you've declared Lead Agency, but all the reviews have been complete.

Mr. Croughan: Okay. Thank you.

Whereas the City of Middletown Planning Board has received an application from RDM Group, tax map designation Section 48, Block 1, Lot 1.2, and located in the I-1 Zone, for a site plan amendment and special use permit for the construction of a warehouse and distribution facility. This project is located at 102-128 Dolson 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.

Filed with the Clerk of the City of Middletown.

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

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

The Planning Board, based upon all of the evidence submitted by the RDM Group seeking a site plan amendment and special use permit for the construction of a warehouse and distribution facility, the Planning Board makes the following determinations with respect to the environmental significance of the proposed

project located at 102-128 Dolson Avenue in the City of Middletown, Section 48, Block 1, Lot 1.2.

Based upon a reasoned elaboration of the potential environmental impacts 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 will be no significant environmental effects 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 SEQRA regulations.

Filed with the Clerk of the City of Middletown.

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

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

On the resolution for RDM Group, 102-128 Dolson Avenue, a distribution center. Hours of operation are 7:00 a.m. to 9:00 p.m. Less than 25 trucks per day. Larger trees, 10'+. No overnight parking allowed. No trucks idling. Contingent upon approval from DPW and Police on the traffic flow in and out of facility and updated site plans. 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. Britto.

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

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

**The Missionary Society of Our Lady of Mount Carmel
128-172 Wawayanda Avenue
Addition to Retirement Parish Home for Carmelite Priests**

Motion to adjourn by , seconded by .

Roll Call Ayes: David Madden, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie.

Adjourned p.m.

Respectfully Submitted,

Diane Genender, Transcriber