

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

June 02, 2021

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on June 2, 2021 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, John Naumchik, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie, Dave Madden.

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

The Pledge of Allegiance was said.

Motion to approve the May 5, 2021 minutes by Mr. Higbie, seconded by Ms. Witt.

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

Barry Terach

48-54 North Street

Ground floor commercial use and 24 residential units (3 levels)

Mr. Terach: Good evening, Board. This is Barry Terach. I'm the architect of the project and here representing the owner, (Inaudible) Management. Chris Hernado is with me, the site engineer.

What you have before you is -- I'm sure you're all familiar with the property 48-54 North Street, a really classic brick building that's been abandoned for quite a while now, and our proposal is to rehabilitate the property by introducing six small commercial spaces on the ground level, some of which will hopefully accessed from the adjacent City-owned property, the park where the trail is going to pass through. We've been discussing the possibility of that with Mayor DeStefano, and so far I've got favorable results from that.

Also on that side would be access to the 24 apartments that would be above. All the ground level would be commercial space. It's set up to be divided into six

relatively small spaces that adhere to the DMU uses for small business. They're also to be under 1,500 sq.ft. but can be combined to make a space that's closer to 3,000 sq. ft. if that's the tenant demand.

On that side of the building that we're developing, there's also the entrance to the apartments. Come in to a secure lobby, which is not accessible by the businesses, and go up to eight apartments on each of three floors. Right now, the building, I guess we'd classify it as a three-story building right now with a mezzanine, a second level that's built out to be only about a third of the floor area starting from the back. The entire two-thirds of the second level is open to the third two-story space. Our proposal is to complete floor level and make a full four-story building out of this.

So each of those three levels would have eight apartments ranging in size from, I don't know, probably about 1,000 sq.ft. to 1,300 sq.ft., a mixture of one and two bedrooms with amenities, their own heat systems, their own washer dryers. Each one, if you take a look at the elevation we proposed, the 3D drawings, each one will have some step-out balcony from the living areas, and we're just trying to make an attractive rentable property for people to come to.

Then we'll have an elevator. We'll have obviously all code-compliant egresses, fully sprinklered, and I guess in a nutshell, that's kind of what we're proposing.

Mr. Capozella: Thank you very much.

Mr. Terach: Thank you.

Mr. Capozella: We're going to open the public hearing. Anyone wishing to comment on this application, please step forward.

The public hearing was opened.

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

Ms. Hansen: Not at this time.

Mr. Capozella: Ms. Tu, do we have any written statements.

Clerk: No. No written statements.

Mr. Capozella: Do we have anyone on the telephone?

Clerk: No.

Mr. Capozella: Okay. Then we'll move to the Board. Any questions or comments from the Board?

Just a little background. We will be putting in the resolution the need for an easement onto Jerry's Park. That's in the plan, and it is something that we discussed with the applicant in the preliminary hearings.

Mr. Higbie: That's for the windows and the balconies and the storefront; correct?

Mr. Capozella: Correct. The area facing Jerry's Park, and even there's going to be a small sidewalk along those commercial spaces on the ground floor, and that will be in Jerry's Park.

Mr. Croughan: Walter, did you have a chance to look at it?

Mr. Welch: Yes.

Mr. Croughan: Any --

Mr. Welch: Yes. I see no problem with it at all.

Mr. Croughan: Thank you.

Mr. Welch: It'll be nice to have somebody in that building. It's been vacant for quite a while.

Mr. Capozella: Mr. Adkins, you have any comment?

Mr. Adkins: I did a site visit today, and they've got their work cut out for them, but it looks good, you know. Good bones. Everything's pretty solid, and it's going to be fully sprinkled and all, you know, have all the systems they need to have.

Mr. Capozella: Great. All right. We'll go back to the public hearing. Mr. Naumchik, did you want to make a comment?

Mr. Naumchik: I was wondering about the safety of the people on the balcony itself. How large are the balconies? Are they -- are you going to be able to put tables on them out there, or is it just a balcony that you cannot go on?

Mr. Capozella: Mr. Terach, did you hear the question?

Mr. Terach: It's a balcony that you can go out on. They're proposed right now to be only three feet deep, so I don't think you'll be getting tables out there. Certainly we wouldn't want barbecues or anything like that. So we can, you know, that's a negotiable, I mean, you know, if making it less than three feet is something that you feel might make them safer, we could certainly do that.

Mr. Capozella: I think once you start going through the construction phase and the plans with the DPW and the Fire Department, I believe you could hack that out.

Mr. Terach: Okay.

Mr. Naumchik: I wouldn't take them away. I think they're a great idea.

Mr. Capozella: No. Your point is well taken. You don't want them too big. You don't want too much going on the outside of the building.

Mr. Naumchik: Agreed.

Mr. Capozella: Okay.

Mr. Madden: A question about the basement. Now, this is below -- the basement is below ground?

Mr. Terach: Fully below ground.

Mr. Madden: So and it looks like you're going to have a gym down there?

Mr. Terach: We're proposing -- I need to work through the logistics of that obviously, but for the tenants only, yes, a small gym is available down there.

Mr. Capozella: And there's commercial space for storage just for the commercial properties.

Mr. Madden: Yeah. I see that now.

Mr. Terach: Yeah. Each one, each property -- currently the design is for each property, each tenant, to have private access to that space and also have access to egress down from there that would go out towards the parking lot, towards the back.

Mr. Naumchik: And also the elevator, like the first floor will be commercial.

That'll be special just for tenants to be able to get up and not people into the building for the --

Mr. Terach: Correct. Right. You know, we haven't gotten into the particulars, but I'm assuming it'll be something like a tenant's card access for the entry door, so when you come into that lobby, the elevator and the stair are tenant only, residential tenant only.

Mr. Capozella: Okay. Anyone else from the Board?

Mr. Naumchik: There's no roof access to any of the tenants; correct?

Mr. Terach: No.

Mr. Naumchik: No.

Mr. Terach: Currently not.

Mr. Capozella: All right. We'll move back to the public hearing.
Ms. Hansen, has come online?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. And obviously, Ms. Tu, no one's on the phone.

Clerk: No.

Mr. Capozella: We'll go back to the Board one more time, one more crack at it.
Any other questions?

Mr. Madden: Are you proposing doing anything with the existing concrete parking area that's off of Center Street?

Mr. Terach: I don't know yet, to be honest. Partly because, you know, that could turn into something quite nice depending upon who the rear tenant in the commercial space is. You know, the owner is open to having a small restaurant occupy one of these spaces, and if it were to be that space, for instance, we may be able to get some outdoor dining back there, so I don't know yet. We'll probably clean that up somewhat, change that fence out, and develop that to be something, but I'm not sure what yet.

Mr. Madden: Okay. Thank you.

Mr. Capozella: And just so the Board knows, anything they do commercially, they'll be coming back to us anyway for approval.

Mr. Madden: Right.

Mr. Capozella: So we'll have a chance to look at that again.

All right. Any more questions? Anything else? Mr. Naumchik.

Mr. Naumchik: I guess we're going to have to waive parking on this; correct?

Mr. Capozella: Oh, absolutely. Yes. There's a couple things we have to do for this one. It's the DMU Zone, Architectural Review Board, waive parking, and even include the easement in the resolution.

Okay. Anyone else?

We're going to close the public hearing and move on to the resolution.

The public hearing was closed.

On the resolution for 48-54 North Street, ground floor commercial use and 24 residential units (3 levels). Subject to Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. Because it is in the DMU Zone, the applicant will have to meet with the Architectural Review Board to do any façade work or exterior work on this building. Parking is waived. 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, John Naumchik, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie, Anthony Capozella.

**108 Luquer Street, LLC
9-29 Canal Street
Residential apartments**

Mr. Cirillo: Good evening.

Mr. Capozella: Good evening.

Mr. Cirillo: Peter Cirillo.

Mr. Capozella: How you doing?

Mr. Cirillo: Good. How's everybody tonight?

Mr. Capozella: Good.

Mr. Cirillo: At the last meeting, basically there were, if I may say, very few comments. I did talk to Mr. Chumard about his comments, and I did address his comments in a letter. Again, since there were very minor changes to the drawings, I actually spoke with Ms. Tu, and we decided that -- or I guess she might've spoken to someone on the Board, yourself perhaps, and we did not have to resubmit the drawings.

But at this point, I look more to you as to what else we might have to do.

Mr. Capozella: Yes. I think we're near the end of your review process, and I believe the Board is satisfied. You've answered all our questions and, of course, you've been responsive. We have a public hearing open, so we're going to go back to the public hearing for any comments. Anyone here wishing to address this application, you may step forward.

Ms. Hansen, do we have anyone online wishing to comment?

Ms. Hansen: Not at this time.

Mr. Capozella: Ms. Tu, any further written comments from anybody?

Clerk: No. No written comments.

Mr. Capozella: And no one on the telephone.

Clerk: No one on the telephone.

Mr. Capozella: Okay. I guess we are to the point where the Board has a final shot if they want to make any other comments.

Mr. Croughan: Mr. Chumard, were all your comments addressed?

Mr. Chumard: I believe so. Yes. I say I believe so because I haven't seen the plans, but they were very minor.

Mr. Cirillo: The changes that I made to the plans were really the building owner. That was probably the --

Mr. Chumard: The building owner, and then there was a minor, almost irrelevant, thing, but the neighboring property has (inaudible) footprint, which is on the building which is no longer the case.

Mr. Cirillo: So that was the most recent survey I could find by Dan Yanosh, who was a surveyor of the property at the time. He has since retired, sold his business to Engineering Properties. I did request a quote from them to update it, but again, that would, if the Board wants us to show that accurately, we would have to go get a new updated survey and then bring it in.

Mr. Chumard: As far as I'm concerned, that is an incidental feature on the map.

Mr. Capozella: Okay. That's fine. And I know we were also talking about the Canal Street centralized sanitation pickup. I don't know if you ever got a plan for that or not.

Mr. Cirillo: I was not --

Mr. Capozella: We can always add that at a later date.

Mr. Cirillo: Right.

Mr. Capozella: Okay. As long as we're all aware of it. It's going to be in the resolution as far as your sanitation plan.

Mr. Cirillo: And one last thing. I guess just you did bring it up last month, is the ARB, so we have started that process, but we want to do some research largely on the windows because there are over 400 windows there, so that's a big decision as to what we pick.

Mr. Capozella: Okay. That's fine. As long as you're in contact with them.

Mr. Croughan: I know Mr. Adkins last meeting had said the unregistered vehicles have to be removed. Mr. Adkins, are they still there?

Mr. Adkins: Yes.

Mr. Croughan: You've got to start moving them.

Mr. Cirillo: I just spoke to Mr. Leiter, and some have been removed, and he's slowly getting rid of them.

Mr. Croughan: All right. Because enforcement will enforce it.

Mr. Cirillo: Okay.

Mr. Croughan: Thank you.

Mr. Capozella: All right. Anyone else from the Board? Any other comments? Okay. First we're going to take care of a little business.

I will ask one more time too, Ms. Hansen, is anyone online to comment public hearing-wise?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. I'm going to close the public hearing at this time.

The public hearing was closed.

Mr. Capozella: And we have to do a little business. We have to have a negative declaration. We did lead agency last time, and now that you've submitted your full EAF, we have to do a negative dec.

Mr. Croughan: Before you do that, did we get comments from the County?

Mr. Capozella: Ms. Tu?

Clerk: Not yet. Not for this matter. Not yet.

Mr. Croughan: Okay. It would subject to them if we get any.

Mr. Capozella: Okay. They're running a little behind.

Mr. Croughan: Yeah.

Mr. Capozella: A month or so. Months. Sometimes more. It's okay.

All right. On the negative declaration, I'm going to need a motion from one member.

Motion by Mr. Britto, seconded by Mr. Naumchik.

On motion of Mr. Naumchik and seconded by Mr. Britto that the Planning Board based upon all of the evidence submitted by 108 Luquer Street, LLC., seeking a site plan approval and special use permit in order to have mixed use residential and commercial occupancies on the first floor, and one-bedroom and two-bedroom apartments on the second and third floors. The Planning Board makes the following determination with respect to the environmental significance of the proposed project located at 9-29 Canal Street, Middletown Section 35, Block 3, Lot 24.1.

Based upon a reasoned elaboration of the potential environmental impact of the project, and after a thorough review of the project's environmental elements, 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.

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

On the resolution for 108 Luquer Street, LLC, 9-29 Canal Street, residential apartments. Subject to Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will submit a sanitation plan to be approved by the Commissioner of Public Works and go through the Architectural Review Board for any façade or signage work. There will be agreed-upon construction and temporary easements and related construction goals. Said easement pertains to any City of Middletown-owned land to become permanent if agreed upon by the City and the applicant. Any easements and/or agreements pertaining to the Acme parking lot are required for the approval of Canal Street, 108 Luquer Street, LLC, project and will become part of 9 Canal Street. The addition of exterior lighting to ensure proper

lighting as per the City Code of Middletown, i.e. the rear alleyway. 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. Madden, seconded by Mr. Naumchik.

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

Anthony Devos
19 Preston Street
Auto repair shop

Mr. Capozella: Good evening. How you doing?

Mr. Fuller: Good. How are you?

Mr. Capozella: Okay.

Mr. Fuller: Again, my name is John Fuller. I'm a professional engineer representing the applicant, Mr. Devos, who is in attendance as well this evening, to operate a public garage for motor vehicle service at 19 Preston Street.

The building is approximately 40'x60', just over 2,400 sq.ft. at the end of Preston Street. It had previously been vacant but had been occupied by the Lewis Sign Company. Mr. Devos would like to move his operation from Otisville to this current location in order to service his clientele throughout the Middletown area.

He will have a small fenced-in area just adjacent to the building to have a maximum of 10 cars or 10 vehicles onsite. He's proposing no outdoor junk or outdoor storage of any nature besides those 10 vehicles or any other waste outside of the building. All that's been indicated on the map. And as indicated, he does general auto service, repair, tune ups, brakes, things of that nature. He also has a 24-hour towing service as well which he would look to operate out of the facility as well.

We've done the public mailings. This is for a public hearing this evening, and with that, I can answer any questions that the Board and/or the public may have about his application.

Mr. Capozella: Great. Thank you. We have a public hearing that is open from the last time, so we're going to go there first.

Ms. Hansen, do we have anyone online wishing to comment?

Ms. Hansen: Not at this time.

Mr. Capozella: Ms. Tu, anyone for the written comments or telephone?

Clerk: No. No one.

Mr. Capozella: Okay. I'm going to go to the Board then. Any other comments or questions?

Mr. Croughan: Did we show anything with the propane tank?

Mr. Fuller: We had indicated that currently there is no gas service to the facility that he would a propane tank. We also in the meantime, in the past month, we determined that the natural gas line does run down Preston. It's approximately 100' away, so that's actually a better alternative, and he's willing to bring natural gas in.

Mr. Croughan: (Inaudible) propane?

Mr. Fuller: I'm sorry?

Mr. Croughan: So there won't be propane?

Mr. Fuller: He's committed to doing the natural gas, so there would be no propane. Yes. It's 100' away, and he can bring it to --

Mr. Croughan: Thank you.

Mr. Capozella: Mr. Naumchik.

Mr. Naumchik: I notice on the bulk table requirements, the rear yard requirement is 20'. You only have 12.9'. Is that an issue?

Mr. Fuller: It's an existing condition. I mean, the building, again, does have some nonconformities, that we call it. I'm not sure, you know, again, it's a preexisting --

Mr. Croughan: If it was preexisting nonconforming and the business continued to operate, it would be one year. Otherwise, they would have to come back.

Mr. Higbie: Did you have an opportunity to respond to Mr. Chumard's comments, the letter dated May 24th?

Mr. Fuller: I had not prior to this meeting.

Mr. Higbie: Okay.

Mr. Fuller: I did receive them and reviewed them. I can, you know, I can easily address all of his comments. I mean, I can walk through them if you would like.

Mr. Higbie: Whatever.

Mr. Capozella: Well, the major thing is he has to refer to the City of Middletown's standards, under the Town of Wallkill standards -- or Wawayanda standards -- and there's an EAF form that you have to complete. This will all be subject to -- I'll put this in the resolution.

Mr. Higbie: Right.

Mr. Capozella: Okay. And I still might add the propane tank, since it wasn't on the plan, if you change your mind, I'm going to put it in the resolution that if you do use propane that you'll have to go through the Middletown Fire Department for the proper location and the proper protection for the tanks and vehicle traffic, all right, just to give you up front and let you know.

Mr. Naumchik: Is there going to be any changing of oil or anything with that with the cars?

Mr. Fuller: No. I mean, tires and oil are not his predominant business because obviously there's many other competing companies that do that. You know, I can let Mr. Devos speak to what he actually does as (inaudible).

Mr. Capozella: Actually, at the last meeting, Mr. Naumchik, that came up. We did ask him, and he has a waste oil and waste product service that he already has contracted with, and that's how he removes waste and waste oil from his property.

Mr. Naumchik: Thank you.

Mr. Capozella: Sorry. I didn't mean to --

Mr. Devos: Not a problem. Yeah. If anybody has any other questions for me as far as what I do and what I plan to do, I'm here to answer.

Mr. Capozella: Anybody else from the Board? Any other questions?
I'm going to go back to the public hearing real quick.
Ms. Hansen, has anyone come online?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. I'm going to close the public hearing.

Mr. Croughan: Yeah. No one here from the public or on the phone?

Mr. Capozella: No. No one's left, so I'm going to close the public hearing.

The public hearing was closed.

Mr. Croughan: Theron, if they go to gas, do they have to contact you?

Mr. Adkins: No. That's not really my -- it would probably be the Building Department. Well, I mean, it would go through Orange & Rockland and then a licensed plumber and all that.

Mr. Croughan: Okay. Thank you.

On the resolution for Anthony Devos, 19 Preston Street, public garage. Hours of operation are Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturday, 8:00 a.m. to 12:00 p.m. There is a 24-hour towing service with an impound lot for 10 vehicles. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and 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, John Naumchik, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie, Anthony Capozella.

El Gallo De Oro, Inc.
86-90 North Street
Bar

Mr. Capozella: Do we have the mailings, Ms. Tu?

Clerk: Yes, we do.

Mr. Capozella: Thank you. Sir, just state your name for the record and your intention.

Mr. Lineras: Good evening, Board and Middletown. I hope everybody is doing well. My name is Fausto Linares. I am here representing my parents, Alicia and Isidro Linares, and my uncle, Fernando Linares. What we are requesting is to open a bar operating Mondays, Tuesdays, and Thursdays from 12:00 p.m. to 2:00 a.m. We plan on closing Wednesdays, and Fridays and Saturdays we plan on operating 12:00 p.m. to 4:00 a.m.; on Sundays, 12:00 p.m. to 1:00 a.m. We shall have recorded live music and DJ. We plan on having a bar where everyone is welcome, a good environment. My parents have had a restaurant for seven years down by 52 Cottage Street, and we've had a liquor license for five years with no problem.

Mr. Capozella: Okay. Thank you.

We're 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: Ms. Hansen, do we have anyone online?

Ms. Hansen: We do not.

Mr. Capozella: Ms. Tu, any written responses.

Clerk: No responses.

Mr. Capozella: And no one on the telephone.

Clerk: No one.

Mr. Capozella: Okay. Then we're going to go to the Board for any questions or comments. Yes, Mr. Madden.

Mr. Madden: Does your family have a security plan in place?

Mr. Linares: Yes. We plan on having two to four employees if it gets approved, and two of them being security guards.

Mr. Madden: Two to four employees.

Mr. Linares: Yes.

Mr. Madden: So there could be two employees, and they're both going to be security?

Mr. Linares: No. Four employees, two being security guards, and my uncle shall be one employee, and then plan on having another waiter/waitress.

Mr. Capozella: Anyone else?

Ms. Hewson: I was wondering, I know you gave the hours of operation, but if you could please repeat those?

Mr. Linares: Yes. Mondays and Tuesdays and Thursdays, we plan on operating from 12:00 p.m. to 2:00 a.m. Wednesdays shall be closed, and then Friday and Saturday from 12:00 p.m. to 4:00 a.m., and then Sundays 12:00 p.m. to 1:00 a.m.

And if you guys have any questions about the building, also the owner of the building, Robert Hope, is here.

Mr. Higbie: What is currently upstairs from your bar now?

Mr. (Inaudible): Upstairs is --

Mr. Croughan: Can you state your name for the record.

Mr. Capozella: You name, sir. State your name.

Mr. (Inaudible): This is Robert (inaudible), manager of the property. The second floor is (inaudible). It's one center office. They all work in the daytime, so I don't think there's any interference with each other --8:00 to 5:00, normal hours, and the (inaudible) is very good, you know, as needed, (inaudible) first and second floor. No apartment or anything, just regular hours.

Mr. Naumchik: There's no apartments then, people living up on top.

Mr. (Inaudible): Any questions?

Mr. Madden: Is it necessary to be open till 4:00 a.m. on Fridays and Saturdays? Couldn't you leave it 1:00 or 2:00?

Mr. (Inaudible): That's possible.

Mr. Linares: It becomes a problem to operate closing by 1:00 a.m. or 2:00 a.m., but when people like to drink, they kind of like to stay open. If that becomes a problem, then we shall change the hours of operation.

Mr. Naumchik: Because you are downtown. It isn't like a --

Mr. Linares: Yeah. Well, we want to kind of have something where people can come and enjoy a drink and have a nice time and relax like after a long day at work.

Mr. Naumchik: I don't know how the other Board members feel about the 4:00 a.m.

Ms. Hewson: I wanted to ask about the 1:00 a.m., but yeah. Maybe I misheard you, but you said from 12:00 p.m. to 1:00 a.m. on Sundays?

Mr. Linares: Yes.

Ms. Hewson: Yeah. I have some concerns about that. Not to be a stickler --

Mr. Linares: No. That's fine.

Ms. Hewson: -- but even though it's, you know, downtown, there is some residential in there, and I can't imagine the noise disturbing some of the neighbors. I don't know how the other Board members feel about that.

Mr. Madden: Well, he's proposing 4:00 a.m. closing time on Fridays and Saturdays.

Ms. Hewson: Yeah. No. I agree with you on that as well. At least that's Friday and Saturday night, but I still think it's too late myself. But on a Sunday night right before work, I'm thinking that might be late too, in addition to what you're saying.

Mr. Capozella: Keep in mind we can suggest those times, as long as he follows the State Liquor Authority rulings. He can always, even though this might be long, he can always decrease it however he needs for his business to make it work for him.

Mr. Croughan: And there is noise ordinances that are controlled by the police as well.

Mr. Capozella: Right. I forget, I think it's 60 dB, whatever that is that goes beyond your building, you'll be responsible for.

Mr. Linares: Yes, sir.

Mr. Capozella: You know, the police will violate you if that happens. That's all. Also, there is a place of worship nearby, but that's not our privy to decide whether you get a liquor license or not. That'll be up to the State of New York to decide that.

Mr. Linares: And if I may say, before COVID happened, down by 52 Cottage Street, my parents had a restaurant where they operated karaoke on Saturday nights, and we closed around I'd say 12:00 a.m., and we didn't have any problems with the police, no nothing.

Mr. Capozella: Good.

Mr. Croughan: Are you also going to be serving food here?

Mr. Linares: No, sir.

Mr. Capozella: I also just want to clarify, I think the statement you made, you said recorded live music. I'm not sure what that means. Is it just going to be all recorded music, no live bands or anything like that?

Mr. Linares: No, no. Just like the radio and just music that people request, and then on the weekends we might have DJs.

Mr. Capozella: Okay. So it's not really live music.

Mr. Linares: I'm sorry, sir.

Mr. Capozella: That's all right.

Ms. Hewson: Just to clarify, I have no judgment on your family's establishment at all. I'm sure you guys are great. I'm just thinking of the use of the property itself, because if you guys moved out and somebody else came in, then they would have the same use for that property. Thank you.

Mr. Linares: No problem.

Mr. Naumchik: I have a question for the Fire Inspector. Do you know what the capacity is or will be for in there?

Mr. Adkins: No. I'd have to calculate that out according to the plan. I don't have it off the top of my head. It is a fully sprinkled building. They do have two means of egress.

Mr. Capozella: Well, occupancy will be determined by the Fire Department when the time comes. You understand that; right, sir?

Mr. Linares: Yes, sir.

Mr. Capozella: I'm sorry. Go ahead, Mr. Adkins.

Mr. Adkins: And also, the entire upstairs is commercial, and then the back side is all commercial, so that entire building is commercial. There's no residential in that building.

Mr. Capozella: Okay. Well, that's good.

Ms. Witt: What will be your name? What will be your name? What are you calling yourself?

Mr. Linares: El Gallo De Oro.

Ms. Witt: Oh, okay. So it is going to be that.

Mr. Linares: Yeah. The Golden Rooster.

Ms. Witt: Gotcha. Okay. Thank you.

Mr. Capozella: Okay. I'm going to go back to the public hearing to see if anyone from the public wants to address the application.

Ms. Hansen, anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: All right. I'm going to close the public hearing and go back to the Board members for one more shot. Any questions or comments?

The public hearing was closed.

Mr. Croughan: Mr. Welch, any issues?

Mr. Welch: No, not at all. There was a bar there before. I know where they own now, so they have a reputable business. I think it's a plus for downtown.

Mr. Croughan: And Mr. Adkins?

Mr. Adkins: Yeah. I piggyback off of what Mr. Welch said. I've never had an issue with their fire inspections over at their other business. It's all very well kept, very good, so I have no issues at all.

Mr. Croughan: Thank you.

Mr. Capozella: Any Board members' further comments? Okay. I'll try to put this into a resolution.

Mr. Croughan: Before you do that, was there concerns about the hours of operation? Did the Board want to discuss that or --

Mr. Capozella: Well, it seemed like the Board thought it was a little late on some days. I'm not so sure how we can restrict that. It's up to the applicant.

Mr. Croughan: And it's controlled by the City of Middletown, the Police Department, and the Fire Department if they're breaking the CO requirement. Noise ordinance is controlled. There was a bar there before.

Mr. Capozella: I think we have to rely on the (inaudible), our code and ordinances follow through.

All right. Anyone else? Okay.

On the resolution for El Gallo De Oro, Inc, 86-90 North Street, bar. Location is in the DMU Zone, so any façade or signage to will go through the Architectural

Review Board. Parking is waived. Hours of operation will be Monday, Tuesday, and Thursday, 12:00 p.m. to 2:00 a.m.; Friday and Saturday, 12:00 p.m. to 4:00 a.m.; Sunday, 12:00 p.m. to 1:00 a.m.; closed on Wednesday. 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, the State of New York, and the State Liquor Authority, 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, John Naumchik, Andy Britto, Gretchen Witt, Nicole Hewson, Dan Higbie, Anthony Capozella.

Xiowen Jiang
8-10 East Main Street
Residential apartments

Mr. Capozella: Good evening, sir.

Mr. Feng: I'm the architect for the project.

Mr. Capozella: Just before you get into your dissertation, do we have the mailings?

Clerk: Yes, we do.

Mr. Capozella: Thank you. Go ahead, sir. Sorry.

Mr. Feng: This project a lot of people are familiar with. There is a supermarket on the first floor, and the second floor and third floor have been vacant for a long time, and they got approval for the third floor five apartments about two years ago, but they didn't finish the job. Recently they started to do some work there without getting a permit or whatever, and the Building Department shut them down. Now I did this drawing for them. The third floor is still five apartments, but they utilize a portion of the attic we can call fourth floor as part of this five apartments. The second floor has three apartments. It's one three-bedroom, two two-bedroom.

So there are eight apartments before (inaudible) staircase. One is pretty

good, is leading towards the entrance on Main Street, so we keep that entrance as an egress. The second stairs is an (inaudible) stair, so it's not safe. So to provide a safe means of egress, we drew a path on the roof.

There was an existing escape at the corner of the supermarket outside wall, and we're going to modify this escape because they're also going to put some meters, their electrical meter there, so the drawing shows that we would utilize the corner as an escape, but it's not an escape, it's a formal steel staircase, so that will provide the second means of egress for the apartments.

The building is going to be fully sprinklered, and also all the equipment, HVAC, everything, is shown on the drawing.

That's about it.

Mr. Capozella: Okay. Thank you. 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: Ms. Hansen, do we have anyone online?

Ms. Hansen: No.

Mr. Capozella: Ms. Tu, do we have any written responses?

Clerk: No.

Mr. Capozella: No one on the telephone.

Clerk: No.

Mr. Capozella: Okay. Let's go to the Board for comments and questions.

While the Board is thinking a little bit, Mr. Welch, any issues?

Mr. Welch: We discussed it -- we just discussed it now, and the second way of egress is awful long, so Theron will take care of that.

Mr. Capozella: Mr. Adkins?

Mr. Adkins: Yeah. I have concerns about the egress across the rooftop and down the side there.

Mr. Capozella: Okay.

Mr. Adkins: I don't have the measurements for it, we would have to get that, and the fourth floor and third floor paths of travel for egress too, I think we need to dive into that a little bit more with the Code and make sure that we're meeting what we need. I know you're going to be fully sprinklered and fully fire alarmed, but I have concerns about that rooftop egress. I think we've got to sort that out.

Mr. Capozella: All right. Is this an issue that the Board can look at it as a subject to, and then you guys work it out with plan, or would you prefer that we not approve it this evening and adjourn it for future consideration so you have time to sit down with the architect and see if you can't flesh out the issues and come back with a solid plan for the fire?

Mr. Feng: Can I explain a bit? Because the egress path is long, but the second you go out of the roof, we have a (inaudible) door there, so the majority of the portion of the path is outside already, and the downstairs is sprinklered, you know, so I have an egress calculation there (inaudible) requirement. (Inaudible) 1,250 ft, we have only 150 ft. But when you go outside the building, that's outside already. The only concern may be the structural stability of the roof, but since the whole building is sprinklered, we shouldn't have any problem there. (Inaudible) the roof. It's not going to be like under snow, you know, people have to walk on the snow. From the point you go out of the steel door to the point you go to the parking lot, there's always a roof.

Mr. Adkins: So you're telling me there's a roof over top of the roof?

Mr. Feng: Yeah. There's a path and then there's a post, then put like a shed. It's open. It's open to the air, but the shed, so the snow won't be on top of the path.

Mr. Welch: Same idea as a fire escape.

Mr. Feng: Yeah, yeah. Same thing.

Mr. Capozella: Let me ask this question. If this issue cannot be resolved, would it substantially change his plan for his apartments on that floor?

Mr. Adkins: I mean, I'd have to go out there and look at it, but I would feel that, yes, you know, and I understand what you're saying. I have serious concerns about a path of egress along a roof. I know it's going to be fully sprinkled, but we just had a fully sprinkled building burn to the ground, so that's not, you know, always the best.

Mr. Capozella: I'm going to suggest, because I can tell by our inspector that he's not comfortable at this point in time for approval just yet. I will do what the Board wishes to do, but I'd like to adjourn it for future consideration so that the architect has time to sit down with our inspectors and work out all those problems before we make a final approval.

Mr. Adkins: And maybe think about is there another way that you can do it. I mean, is there another --

Mr. Feng: Yeah. The only way that you have to (inaudible) staircase, then you have to create a long corridor on the other side of the building, all the way to East Main Street. That would cut into the square footage a lot, you know, it would just waste a whole long corridor for this egress.

Mr. Higbie: And possibly save lives and make it safer. It would be worth it if that's what you have to do.

Ms. Hewson: I agree.

Mr. Capozella: Okay. Well, I'm just putting it out there, but I think for our inspector to say he's comfortable, that makes the Board comfortable.

Mr. Croughan: Well, why don't we see if there are any other concerns so that he can deal with them all?

Mr. Capozella: Oh, absolutely. Yes. No problem. Does anybody have any other questions?

Mr. Croughan: Do all the apartments meet the minimum requirements?

Mr. Higbie: I was just going to ask that.

Mr. Adkins: Yes. I believe so. Yes.

Mr. Naumchik: What will be the total number of apartments in that building after this all --

Mr. Feng: Eight. Five on the third floor and fourth floor, and three on the second floor.

Mr. Naumchik: And I see they're all one-bedroom; right?

Mr. Feng: No, no. The second floor has two two-bedrooms and one three-bedroom. The square footage is about the same as the third floor, but the third floor is two studios and three one-bedrooms.

Mr. Capozella: I get eight apartments.

Mr. Feng: Yeah.

Mr. Capozella: All right. We'll go back to the public hearing momentarily.
Ms. Hansen, anyone on the line?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. I'm going to keep the public hearing open. I'm going to ask the Board for a motion to adjourn so that the Fire Department and the architect can resolve the travel issues in the corridors. I need a motion.

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

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

Angelica Guaman
91-95 North Street
Bakery

Mr. Capozella: Good evening.

Ms. Guaman: Good evening, everyone.

Mr. Capozella: How are you?

Ms. Guaman: Good. Thank you.

Mr. Capozella: State your name and what you want to do for the record.
Do we have the mailings, Martina?

Clerk: Yes, we do.

Mr. Capozella: Thank you. Go ahead, ma'am.

Ms. Guaman: (Inaudible) North Street operate a bakery, and just bread and coffee for the morning (inaudible). Open from 5:00 a.m. to 10:00 p.m.

Mr. Capozella: Okay. We have to open the public hearing. Anyone from the public wishing to address this application, please step forward.

The public hearing was opened.

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

Ms. Hansen: We do not.

Mr. Capozella: Okay. Ms. Tu, any written responses, any telephone?

Clerk: No. No one.

Mr. Capozella: Okay. We'll keep the public hearing open, and we'll go to the Board for any questions or comments.

Just for the record, we'll probably have to just rework the application a little bit to get the proper address; okay? You kind of made a little mistake with the address and the location. We understand where it is. We've had our inspectors look at it, so they know where it is. It's actually across the street from the one that you were given.

Ms. Hewson: Do you know the proper address?

Mr. Higbie: 91-95.

Ms. Hewson: 91-95?

Mr. Capozella: 91-95 North Street. Correct. It's right across the street. Everything is correct as far as the site plan, the interior plan. That's all correct, and there's just a minor mishap on her part that's it's the wrong address.

Mr. Naumchik: So this picture is not correct.

Mr. Capozella: You are correct. That is incorrect. Yes. It's right across the street, Mr. Naumchik.

Ms. Witt: Will you be open every day?

Ms. Guaman: Yes.

Ms. Witt: Okay.

Mr. Croughan: Mr. Welch, any concerns?

Mr. Welch: No. It would be more for Mr. Adkins.

Mr. Adkins: I did a site visit over there with her. Everything's pretty straightforward. They know what they need to do. They have proper egress. Pretty straightforward. Good to go.

Mr. Capozella: Okay. And I have this right, Monday through Sunday, 5:00 a.m. to 10:00 p.m.; is that correct?

Ms. Guaman: Okay.

Mr. Capozella: Okay. And it's going to be limited seating too and a juice bar?

Ms. Guaman: Yeah. Just for natural juice, and yes, that's all.

Mr. Capozella: All right. And just so you know that Middletown Fire Department will, whatever their inspection is, will tell you your occupancy, how many people you can actually have in this juice bar at any one time, just so you know.

Ms. Guaman: Okay. Thank you so much.

Mr. Capozella: No problem. Back to the public hearing.

Ms. Hansen, has anyone come on?

Ms. Hansen: No, they have not.

Mr. Capozella: Okay. I'm going to close the public hearing and go back to the Board one more time for any questions or comments.

The public hearing was closed.

Mr. Capozella: Okay.

On the resolution for Angelica Guaman, 91-95 North Street, bakery. Located in DMU Zone and subject to Architectural Review Board for façade or signage. Parking is waived. Hours of operation are Monday through Sunday, 5:00 a.m. to 10:00 p.m. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and 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 Ms. Witt.

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

Frank Siena
108-110 Sprague Avenue
Car detail shop and office

Mr. Capozella: Hello.

Mr. Siena: Hello.

Mr. Capozella: How you doing? Who's on the other side? Who's on the line?

Mr. Siena: My name is Frank Siena, and Dee George should be on another line.

Mr. Capozella: Okay. All right. Well, just so everyone knows -- do we have the mailings, Ms. Tu?

Clerk: Yes, we do.

Mr. Siena: Yes.

Mr. Capozella: Okay. Thank you. Just so everyone knows, this issue has come up here that this piece of property has some issues. What's been determined is that this has been vacant for more than a year, and that the nonconforming use is no longer allowed. The only way to really proceed with this project is that you're

going to have to go to the Zoning Board of Appeals in order to get your use back or ask for their permission and their approval in order to come back to us and get your approval for your car detail shop and office.

Mr. Siena: Why weren't we made aware of that before we did all this, you know, I mean, prework ahead of time?

Mr. Capozella: I don't know what you did ahead of time. We reviewed your application and this is what this is what transpired. I don't know what work you did previous to that.

Mr. Siena: Well, we weren't made aware that that's what we had to do.

Mr. Croughan: You have a public hearing. The public hearing would be opened. It would be held for future consideration for you to go to the Zoning Board to obtain your variance.

Mr. Siena: Okay.

Mr. Croughan: Okay?

Mr. Siena: Okay.

Mr. Capozella: So we're going to open the public hearing. Anyone present want to comment on the application, please step forward.

The public hearing was opened.

Ms. Cudney: Good evening.

Mr. Capozella: Good evening.

Ms. Cudney: Jo-Ann Ives Cudney. My husband, George Cudney.

Mr. Capozella: Say that again. I'm sorry, ma'am.

Ms. Cudney: Jo-Ann Ives Cudney. My husband, George Cudney. We are concerned about several issues about that becoming a detail shop.

Mr. Capozella: Okay.

Ms. Cudney: Number one is is there a catch basin? They're going to have to wash the vehicles, and there is a brook behind the house that tends to flood very often, so the water usage would affect us. We live right next door at 112.

Mr. Capozella: Anything else, ma'am?

Ms. Cudney: About an office, is that for their use, or do they intend to rent that office space out, and if they intend to rent it out, what would go in there? We're also concerned about noise factor. We live in a quiet neighborhood. Also, the car situation. How many cars would be there? Would it run out into the street? As of already, they're not maintaining the property. The lawn has not been cut all spring. It is way overgrown. Basically, that's it.

Mr. Capozella: Okay.

Ms. Cudney: Thank you.

Mr. Capozella: You're welcome. Mr. Siena?

Mr. Siena: Yes, sir.

Mr. Capozella: Could you answer the question of what part of the building you're going to use for your detailing and if you plan on renting for an office space, or what's your intent with the building?

Mr. Siena: That's my intent. I plan on using the garage part as auto detailing, and the offices as whoever, you know what I mean, is interested in for offices. There's no problem with the water because there'll be drains, and there will be a water oil separating unit going in for the water. The hours of operation will be 8:00 to 5:00, and there'll probably only be five or six cars there at any given time.

As far as the grass, there's a little patch of grass in the front. It's probably like a 4'x4' piece of grass, that, you know what I mean, I'll have to take a look. That's the only thing I think I have to address.

Mr. Capozella: Okay. That would be good. So the office space will be intended for the detailing shop.

Mr. Siena: No. The office space I'm going to try to get three offices out of this space because you have 5,200 sq.ft. It's a rather large building.

Mr. Capozella: All right. So you're trying to rent out three offices.

Mr. Siena: Correct. There are two separate entrances there as the way the building is laid out, you know what I mean, which be easy enough to do. There's a courier door that you could easily rent the offices and go right straight into the detail shop.

Mr. Capozella: Okay.

Mr. Siena: We've (inaudible) everything there. We've had the property since the winter, and we plowed, you know what I mean, as it snowed. Until I rent it out, you know what I mean, I'm not going to do any cosmetic work on it until I get all the approvals.

Mr. Capozella: Okay. You're taking the first step.

Mr. Siena: Correct.

Mr. Capozella: Okay. And just so the public knows, when the time comes and we set up a resolution, the number of cars will be in that resolution, purpose of the building will be in that resolution so that, of course, it's checked out ahead of time so that it's properly zoned. So if it calls he's allowed to have offices or detailing shop, that's, you know, he will be within his rights as a landowner to do that. But we just have to make sure that he follows the rules; okay?

Mr. Higbie: Mr. Siena, when you come back to us, maybe you can update your plan with the oil/water separator, because it will have some sort of a tank that our engineer is probably going to want to know about. I don't see it on your plan at all.

Mr. Siena: Well, it wasn't noted that it would have to be. Dee, are you online, Dee?

Ms. George: Yes.

Mr. Siena: Okay. Was that a question that they had asked you that you had the answer?

Ms. George: Well, I don't have the answer right now, but when we come back for the Planning Board, we'll add drainage in full on the plans.

Mr. Capozella: We'll have to see the plans.

Mr. Siena: Well, I'm very familiar with it because I have a shop now, and I have

another shop on North Street, so I know that's one of the requirements that you have is that you do put an oil separator unit in it when you're doing detailing or any kind of automobile repairs. I don't even know if they would want that because it's just detailing, but I would put that in just for a safety precaution.

Mr. Capozella: We'll discuss that during the preliminary, long before you come back for your next Planning Board approval anyway.

Ms. Hewson: Would a, and maybe I'm over -- maybe I'm thinking too far ahead, but would a short form SEQR be required for this since it's a lot of drainage and things?

Mr. Capozella: I don't think so, but we'll know more as we progress, and you have to get Zoning Board approval first, then you can come back here.

Mr. Naumchik: This is allowed in the C-2 Zone; correct?

Mr. Capozella: Correct.

Mr. Naumchik: It is.

Mr. Capozella: Yes. Everything was okay until they discovered that their use had run out.

Mr. Britto: Well, the businesses that rent the office space, will they be subject to the same hours of operation, or will they have to come back here?

Mr. Capozella: As soon as he gets a renter or decides whatever commercial office is going to be there, they'll have to come before us.

Okay. All right. So we're going to have a resolution that 108-110 Sprague Avenue, car detail shop and office, has to go to the ZBA to work out their nonconforming use issues and then they'll be back, but I need a motion to adjourn for future consideration.

Ms. Hewson: Before you do that, I'm sorry, I just want to quickly ask the other members, I mean, I kind of feel like the short form would be needed for this, and I know I'm getting ahead of things and I know he has to go to the ZBA first, but just to save the applicant time, I would want to mention it now, if possible. Do other members feel that way?

Mr. Capozella: He's going to have to go through the process.

Ms. Hewson: Okay. Thank you.

Mr. Capozella: You're welcome. All right. So I need a motion to adjourn for future consideration.

Motion Mr. Britto, second by Mr. Higbie.

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

Crown Fried Chicken & Coffee Shop, Inc.
203 Dolson Avenue
Takeout restaurant

Mr. Capozella: How are you doing, sir?

Mr. Singh: Good evening.

Mr. Capozella: Do we have the mailings, Ms. Tu?

Clerk: Yes, we do.

Mr. Capozella: Thank you. Go ahead, sir. Please state your name for the record and your intent.

Mr. Singh: Yes, sir. My name is Jagdish Singh, and we are opening a storefront for chicken at 203 Dolson Avenue.

Mr. Capozella: Okay. We're 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: Ms. Hansen, anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Ms. Tu, any written responses?

Clerk: No.

Mr. Capozella: Anyone on the telephone?

Clerk: No.

Mr. Capozella: Okay. I'm going to go to the Board for any questions or comments.

Mr. Britto: There'll be a sitting area to wait or a sitting area to eat?

Mr. Singh: It's just for six to eight people to sit there. They can eat.

Mr. Britto: They can. There's no bathroom for the public?

Mr. Singh: No.

Mr. Capozella: I think your intention is mainly takeout.

Mr. Singh: Yes, sir.

Mr. Capozella: Yes. Okay. Of course, the Fire Inspector and the Building Inspector will make sure everything conforms. It's kind of an existing building and existing mall parking. And just so that we know, your hours of operation, as far as I read them, is Monday through Sunday, 7:00 a.m. to 1:00 a.m.

Mr. Singh: Yes, sir.

Mr. Capozella: Any other questions from the Board or comments? We'll go back to the public hearing. Any comments from our inspectors? It's kind of cut and dry; right?

Mr. Welch: It's cut and dry.

Mr. Capozella: Okay.

Mr. Adkins: I have a question. Are we talking about fried chicken and a coffee shop, like two separate, because I know I went out and did a site visit, and the hibachi, or the buffet, they've already put up a new wall and separated that out sort of creating, you know, more storefronts, so is it a coffee shop and a fried chicken place, or are they all one?

Mr. Singh: It's all one.

Mr. Adkins: It's all one. Okay. And you're going to need, when you put your cooking hood in, you're also going to need to install a fire alarm.

Mr. Singh: Yes, sir.

Mr. Adkins: Okay.

Mr. Capozella: And that'll be with the Fire Department inspections. When I read that off, that's what that is all about, DPW inspections and Fire Department inspections.

Okay. That being said, we're back to the public hearing.

Anyone online, Ms. Hansen?

Ms. Hansen: Not at this time.

Mr. Capozella: We're going to close the public, go back to the Board one more time for any questions or comments.

The public hearing was closed.

On the resolution for Crown Fried Chicken & Coffee Shop, Inc., 203 Dolson Avenue, takeout restaurant. Hours of operation are Monday through Sunday, 7:00 a.m. to 1:00 a.m. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and 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. Naumchik.

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

Frank Villano
25 Myrtle Avenue and 91 Prospect Avenue
Commercial space/office and residential

Mr. Croughan: Just going back to number one on our list, Frank Villano, what did we do with that?

Ms. Hewson: It's for future consideration.

Mr. Croughan: There wasn't a motion though.

Mr. Capozella: Yeah. Last time we did it.

Mr. Croughan: No. Tonight we didn't make a motion to keep it open for future consideration.

Mr. Capozella: Oh, we have to do it again?

Mr. Croughan: We've got to keep it open.

Mr. Capozella: Yes. So we have to do the motion again?

Mr. Croughan: Yes.

Mr. Capozella: Okay. So we have a motion to continue the consideration.

Motion by Ms. Hewson, seconded by Ms. Witt.

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

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

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

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