

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

March 02, 2022

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on March 2, 2022 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

Members Absent: John Naumchik.

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

The Pledge of Allegiance was said.

Motion to approve the February 2, 2022 minutes by Ms. Witt, seconded by Mr. Britto.

Motion passed. Minutes approved.

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.

**Anthony Davos
19 Preston Street
Auto repair shop**

Mr. Capozella: He actually emailed in his six-month extension due to plans and funding. He has to ask for a six-month extension.

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

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

Higbie, Anthony Capozella.

Wally Alrawhani
207 Dolson Avenue
Deli/grill shop

Mr. Capozella: This is a gentleman that was carried over from last month. He did not have his mailings.

Ms. Hansen, is the applicant online?

Ms. Hansen: Yes. The applicant is online, and he just needs to unmute himself on his end, and he'll be able to speak with you.

Mr. Croughan: Do we have the mailings?

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

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. Thank you. Mr. Alrawhani, are you there?

Ms. Hansen: Mr. Alrawhani, you just have to unmute yourself on your end to be able to speak.

Mr. Alrawhani: Hi.

Mr. Capozella: How are you doing?

Mr. Alrawhani: Can you hear me?

Mr. Capozella: Good. Just --

Mr. Alrawhani: Hi. How's it going, guys? How's it going, Mr. Chairman, members of the Planning Board? I'm Wally Alrawhani, and as last meeting, you guys know, we talked about what was the plans for the deli and the grill, and I didn't have the mailings.

I first want to like just want to clear things about last time regarding like, you know, the clerk, Martina, if it was her fault, and it wasn't. It was actually like, you know, I just want to clear that she did everything that needed to be done to be helpful. It's just, you know, it's just a misunderstanding from my end and I didn't

do enough, so I just want to clear that up because it's not fair to her.

Mr. Capozella: Well, thank you for stating that. We appreciate that.

Mr. Alrawhani: Yeah, sure. Other than that, so I'll recap what's like our plan if that's okay.

Mr. Capozella: That's fine.

Mr. Alrawhani: Okay. So the plan is, you know, to build a deli/grill right over there on Dolson Avenue. We are planning, you know, to open seven days a week, most likely close like before midnight. In terms of like the seating, we are going to have like maybe just a small bar table by the window just, you know, for people just to like on the go. Other than that, we are, you know, we'll do anything that needs to be required to get this done, and so, you know, it goes back to you guys, so whatever -- we're willing to do whatever's necessary.

Mr. Capozella: Okay. Thank you for that. We're going to open the public hearing. Anyone present wishing to step forward and comment on this application, please do.

The public hearing was opened.

Mr. Capozella: Anything in writing, Ms. Tu?

Ms. Tu: No.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No.

Mr. Capozella: Ms. Hansen, anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. We'll go to the Board for any comments, questions, or concerns.

Mr. Croughan: Theron, have you looked at it?

Mr. Adkins: Yeah. Myself and Walter have taken a look at it. There's no issues

out there.

Mr. Capozella: Just so the applicant knows, your occupancy will be truly determined by the Middletown Fire Department, just so you know.

Mr. Alrawhani: Okay.

Mr. Capozella: Okay? All right. I'll go back to the public hearing. Anyone present wishing to speak? Ms. Hansen, do we have anybody else online?

Ms. Hansen: We do not.

Mr. Capozella: Thank you. I'm going to close the public hearing and move on to the Board one more time for any questions, comments, or concerns.

There being none, I'm going to move on to a resolution.

The public hearing was closed.

Mr. Croughan: Mr. Chairman, just as part of the resolution, does this have to be referred to the County?

Mr. Capozella: I'm not 100 percent sure, but we are going to do that. You'll see in our resolutions now we have to include the County of Orange when there's any type of deli, restaurant, kitchen, food preparation. This was from the Orange County Planning Department and the Health Department.

We always knew that any one of our approvals, if there's a kitchen or something, they have to get the approval of the Department of Health, but now they are stepping it up and we must include it in our resolution.

Mr. Croughan: And the applicant has to submit plans to the Health Department.

Mr. Capozella: Right.

Mr. Alrawhani: Yes. Any like required licenses from Town, County, or, you know, the State, we'll make sure, you know, to be on top of it and to get everything, you know, license.

Mr. Capozella: Okay. If there's ever a question, I'm sure Ms. Tu can help you. This is kind of new, so the DPW and the Fire Department are probably just finding out about it as I'm telling you, but that's new; okay?

Mr. Alrawhani: Okay. So I'll, you know, keep in touch with Ms. Tu and, you know, we'll make sure we get that done.

Mr. Capozella: Correct. Basically for the Planning Board going forward, anything that we see in a preliminary that has stated, we'll have to tell the applicant that they have to submit plans directly to the Orange County Department of Health.

On the resolution for 207 Dolson Avenue, deli/grill shop with proposed hours daily of 5:00 a.m. to 12:00 midnight. Subject to City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Whereas, pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval.

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

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

Oscar Sosa Arellano
259 East Main Street
Restaurant

Mr. Capozella: What do you plan on doing, sir?

Mr. Arellano: A restaurant. We're planning to open from 9:00 to 10:00, seven

days a week.

Mr. Capozella: Okay.

Mr. Croughan: That's 9:00 a.m. to 10:00 p.m.?

Mr. Arellano: 9:00 a.m. to 10:00 p.m., yes.

Mr. Capozella: Okay. Ms. Tu, do we have his mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. Then we're going to open the public hearing. Anyone present wishing to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: Anyone on the telephone, Ms. Tu?

Ms. Tu: No one on the phone.

Mr. Capozella: Anything in writing?

Ms. Tu: Nothing in writing.

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

Ms. Hansen: Not at -- wait.

Mr. Capozella: Okay. Thank you. In that case, I will go to the Board for any questions, comments, or concerns. Ms. Hewson.

Ms. Hewson: Are you planning on serving alcohol?

Mr. Arellano: Not right now. Right now, only food. In the future, maybe.

Ms. Hewson: Okay.

Mr. Capozella: Anyone else? Mr. Britto.

Mr. Britto: Do we have to waive parking? Is this in the --

Mr. Capozella: Yes. I think we have to waive parking. It's in the proper zone. Yes. We have to waive parking. Mr. Madden?

Mr. Madden: Would a customer who's dining in your restaurant have to walk through the kitchen to get to a bathroom?

Mr. Arellano: Not really. There is a hall to the bathroom that's in the back, but they don't have to get in the kitchen.

Mr. Madden: So the kitchen will be separate from the hallway?

Mr. Arellano: Yes.

Mr. Madden: Thank you.

Mr. Capozella: I'm sure the DPW will follow up on that. Anything else from the Board?

Mr. Croughan: Mr. Adkins or Mr. Welch, anything?

Mr. Adkins: We're okay with it. It's got a brand new fire alarm, brand new commercial cooking hood that was installed by the previous tenant, so it's in good shape.

Mr. Capozella: Fantastic. We'll go back to the public hearing one more time. Anyone present wishing to step forward and comment on the application?

Ms. Hansen, anyone online?

Ms. Hansen: Yes, we do. We have a Miss Larissa Velez-Jackson. You just have to unmute yourself to be able to ask your question.

Ms. Velez-Jackson: Hello. Can you hear me?

Mr. Capozella: Yes. Ms. Jackson?

Ms. Velez-Jackson: Yes. Thank you.

Mr. Capozella: Yes. We can hear you.

Ms. Velez-Jackson: Okay, great. I did have a question. I know you mentioned the

parking, but, yes, I was concerned about -- I know there's on East Main Street there two-hour parking available. I'm just inquiring about what would be done if, you know, extra cars are blocking driveways, like the two active driveways that are kind of close to the business, just more so -- I don't know if there's a really clear question there, but is there a plan or consideration about parking?

Mr. Capozella: There is none. There's street parking available. If someone breaks the law, then law enforcement would have to be brought in as far as blocking a driveway or parking too long.

Ms. Velez-Jackson: Got it. Okay. And then the only other question is with seven days until the time was 10:00 p.m.?

Mr. Capozella: That's what the gentleman stated. Yes. 9:00 a.m. to 10:00 p.m.

Ms. Velez-Jackson: Are they planning to have music or loud kind of sound happening every evening at that time, or any thought given to that?

Mr. Arellano: No. We are not planning to have music like that.

Mr. Capozella: The applicant has stated no music.

Ms. Velez-Jackson: Okay. Great.

Mr. Croughan: But again, that would be up to the police to enforce it as well if the music was loud.

Mr. Capozella: Correct. We do have noise ordinances in effect that can be upheld.

Ms. Velez-Jackson: Okay. Thank you.

Mr. Capozella: Ms. Jackson, just for the record, state your name again and your address, please.

Ms. Velez-Jackson: Sure. Larissa Velez-Jackson, and I'm at 267 East Main.

Mr. Capozella: Thank you.

Ms. Velez-Jackson: Property owner. Thank you.

Mr. Capozella: Okay. Anyone else online, Ms. Hansen?

Ms. Hansen: Not at this time.

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

The public hearing was closed.

Mr. Croughan: Again, this is another restaurant, so the Department of Health --

Mr. Capozella: Will be included in the resolution.

Mr. Croughan: Submit plans to the Department of Health.

Mr. Capozella: Right.

Mr. Arellano: We already have (inaudible). The inspector came in.

Mr. Capozella: Okay. All right. Good. Excellent. That's part of the resolution. You'll have to end up doing it anyway. Good. Thank you. I closed the public hearing, went to the Board. Anybody else from the Board? Okay.

On the resolution for 259 east Main Street, restaurant, parking will be waived. Hours will daily from 9:00 a.m. to 10:00 p.m. Subject to City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Whereas, pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void. If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval.

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

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

Chelsea Bernstein, Inc.
15 James P. Kelly Way
Medical spa

Mr. Capozella: Good evening. State your names for the record, please.

Ms. Bernstein: Chelsea Bernstein.

Mr. Bernstein: Brian Bernstein.

Mr. Capozella: And what's your intentions? What are you planning on?

Ms. Bernstein: So we're already a mostly established medical spa. We were out of Phenix Salon Suites for a year and a half and then decided to make the leap and go into a bigger space.

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

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. In that case, I'm going to open the public hearing. Anyone here present wishing to speak to this application, please step forward.

Ms. Tu, do we have anything in writing?

Ms. Tu: No.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No.

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

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. Then I'll go to the Board for any questions, comments, or

concerns.

Mr. Madden: Can you just kind of give us a brief of what a medical spa is and what it entails?

Ms. Bernstein: Yes. So a medical spa kind of is a hybrid between a day spa and a medical facility, so I'm a Registered Nurse. I'm also a Licensed Esthetician. I've been a Licensed Esthetician for 13 years, and in 2020, I graduated from Mount Saint Mary with my Bachelors in Science and Nursing to advance my scope of practice in skin, and I partnered with my Medical Director. She is a Nurse Practitioner with full autonomy in New York State, so that's how we're able to operate as nurses. We operate under her license and under her malpractice insurance. So that little hybrid, it kind of makes the medical facility more welcoming, more warm, a more calm environment, not so like sterile, but we do facial treatments and injectables.

Mr. Madden: Thank you.

Mr. Capozella: That's exactly what I was going to bring up. Thank you. No. She's classified as a medical spa. We have her certificates as a Registered Nurse. We also have her Nurse Practitioner's licenses because she can't operate without that. You did mention cosmetology. We'll need that certificate also.

Ms. Bernstein: Oh, Esthetician. Okay.

Mr. Capozella: Yes.

Ms. Bernstein: So I, under the -- I will absolutely provide it, but with what we do, it's not necessary. Like my other nurses that work for us, there's only one who's a Licensed Esthetician. The others are just Registered Nurses.

Mr. Capozella: Okay.

Ms. Bernstein: But we operate under the scope of practice of the Registered Nurse.

Mr. Capozella: Okay.

Ms. Bernstein: It's just like extra that I'm an Esthetician.

Mr. Capozella: Right.

Mr. Croughan: Do they have to submit licenses for all the employees that work there?

Mr. Capozella: Well, not for all of them, but they have to have them displayed so that when the inspectors come in, anyone that works there has to be licensed; right?

Ms. Bernstein: Yup. Absolutely.

Mr. Capozella: All right. We'll go back to the public. Anyone here wishing to speak on this application please step forward.

Ms. Hansen, do we have anyone else online?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay.

Mr. Croughan: Walter and Theron, any comments?

Mr. Adkins: We've both been out there. Everything's fine. Fully sprinkled, fully fire alarmed. It's a nice looking space.

Ms. Bernstein: Thank you.

Mr. Croughan: Any issue with parking?

Mr. Capozella: They have their own parking lot, so we don't even have to waive parking. It's all part of that facility that was approved years ago with Sterling Parc.

Mr. Higbie: I'm not sure if it's just a formality or whatever, but, and I don't know how important it is, but the owner's endorsement that we have is not from the owner of the --

Ms. Bernstein: I have that for you.

Mr. Higbie: Oh, you updated it? Oh, good. It didn't know if it would be a big --

Mr. Capozella: No, no. I think she sent in the proper one.

Mr. Higbie: All right. I just wanted to make sure.

Ms. Bernstein: Yeah. No worries.

Mr. Capozella: Yeah. She's not the owner of the property.

Ms. Witt: So are you keeping the same company name, or are you changing the name of your business?

Ms. Bernstein: So I am Chelsea Bernstein, Inc. I guess I can explain the formalities. Technically, I am not legally allowed to own my spa because I am a Registered Nurse. Rhonda owns the spa. We have contract agreements for our partnership, so her business is Rhonda D'Agostino, Inc. Her dba is Rev Facial Bar. I am the management company for the spa, but she is the medically responsible. I am the financially responsible, so the lease agreement is under my name.

Ms. Witt: Okay. Thank you. So it'll be called Red?

Ms. Bernstein: Rev. R-e-v as in Victor. Rev Facial Bar. Thank you.

Mr. Capozella: Okay. I'm going to close the public hearing. Went back to the Board, and I think we're ready for a resolution.

On the resolution for 15 James P. Kelly Way, medical spa, with hours of operation Monday through Friday, 8:00 a.m. to 9:00 p.m., Saturday and Sunday, 8:00 a.m. to 2:00 p.m. Subject to City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Whereas, pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void. If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval.

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

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

Abraham Rothman
35 Dolson Avenue
Warehouse/distribution facility

Mr. Capozella: Good evening, gentlemen. State your name for the record, please.

Mr. Rothman: My name is Abraham Rothman.

Mr. Halberstam: Sinai Halberstam.

Mr. Capozella: And please tell us what your intentions are, gentlemen.

Mr. Halberstam: We are planning to -- first, thank you for your time and for the Fire Inspector coming down, and Ms. Tu to help me with everything. We are planning to do light distribution. We are selling online, and we have our just shipping from there out to Amazon warehouses.

Mr. Capozella: Okay. Thank you. Ms. Tu, we have the mailings?

Ms. Tu: Yes, we do.

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

Ms. Hansen: We do have someone online listening about the project.

Mr. Capozella: Okay. Just ask him to be patient. We're working something out.

Ms. Hansen: Of course.

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

Ms. Tu: Yes, we do.

Mr. Capozella: I have to do that for the record. Do we have any written comments on this application?

Ms. Tu: No.

Mr. Capozella: And no one on the telephone?

Ms. Tu: No.

Mr. Capozella: Okay, great. I can open the public hearing now. Anyone present wishing to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: Okay, Ms. Hansen, anyone online?

Ms. Hansen: They're listening. They just want to know more about the scope of the project.

Mr. Capozella: Scope of the project. Okay. I think the gentleman described it as a small light warehousing distribution center. It's for online store shipping, and it sounds like their main customer is Amazon.

Mr. Croughan: What's the hours of operation?

Mr. Rothman: Monday through Friday from 8:00 till 5:00. At 5:00, we're packing up and going home.

Mr. Capozella: Okay. In your application, you had 8:00 a.m. to 6:00 p.m. It's going to be 8:00 to 5:00 instead?

Mr. Rothman: Usually the guys leave at 5:00. Sometimes they stay around till 6:00, but --

Mr. Capozella: You're better off leaving it at 6:00 p.m. This way, you have that little leeway.

Mr. Rothman: Okay. Thank you.

Mr. Croughan: And what days of the week?

Mr. Capozella: Monday through Friday, he said.

Mr. Croughan: No Saturday and Sunday?

Mr. Rothman: No.

Mr. Croughan: What size trucks are going to be there?

Mr. Rothman: Ninety percent of the trucks are regular box trucks. We have one company (inaudible). They come with a little bit of a bigger truck.

Mr. Capozella: What would be the frequency of your deliveries or pickups?

Mr. Rothman: We have usually pickups once or twice a week and deliveries the same, once or twice a week.

Mr. Croughan: Will the trucks be idling?

Mr. Rothman: No.

Mr. Croughan: Or pickup and go.

Mr. Rothman: Pickup and leave.

Mr. Capozella: Okay. Just to keep you informed, there's a New York State idling law. I forget. Is it three minutes, Mr. Higbie?

Mr. Higbie: Five.

Mr. Capozella: Five minutes. So if they're going to be parked there longer than that, you need to shut them down; okay?

Mr. Rothman: Yes.

Mr. Capozella: We're all going to try to be good neighbors.

Mr. Rothman: Definitely.

Mr. Capozella: Ms. Hansen, does that answer that person's questions at all?

Ms. Hansen: Yes. They do have two more. What is the current use, and is there need for renovations?

Mr. Capozella: Current use?

Mr. Rothman: Was a mechanic's shop.

Mr. Capozella: It was a mechanic's shop. Can she hear that?

Ms. Hansen: Yes.

Mr. Capozella: And what was the other question? I'm sorry.

Ms. Hansen: Is there a need for renovations, and how many employees?

Mr. Capozella: I have five employees written down here; correct? And renovations, little to none.

Ms. Hansen: Great. Thank you very much.

Mr. Capozella: Okay. I'll go to the Board now for any questions or comments, concerns. Nothing? Okay.

Just so everyone knows, in the packet, there is a parking lot there. It's very difficult to mark that parking lot because it's all dirt and gravel, but our DPW and Fire Department know it exists, know there's been, you know, a few problems in the past, but they'll keep an eye on it. We don't expect you to line it or mark it, but they'll just keep an eye on the number of cars.

Mr. Halberstam: In the future, once we're there, we'll make pavement, but not now.

Mr. Capozella: That'll be fine. Yeah. Well, I hope you're successful enough to pave it.

Mr. Halberstam: Hope so.

Mr. Britto: Are the deliveries from Dolson, Bennett, or Byron?

Mr. Halberstam: We'll do it whatever you guys want, but I think the best is on Bennett.

Mr. Britto: On Bennett.

Mr. Halberstam: Yeah.

Mr. Capozella: I don't think they can do it any other way.

All right. Back to the public hearing. Anyone present wishing to speak on this application, please step forward.

Ms. Hansen, anyone else online?

Ms. Hansen: No. No further questions.

Mr. Capozella: Great. We'll close the public hearing.

Mr. Adkins, you have a comment?

Mr. Adkins: Yeah. Sorry. The Building Inspector and I did do a site visit, and just so you're clear, they're only taking that one space in the front. All the other tenants are staying in place, and the auto detail shop is staying in place.

We did address the issue about the parking lot, and I've been assured that it's going to get cleaned up, organized a little bit better, and some of the machine shop items in the back are going to get cleaned up. So we're good. It's a fully sprinkled building, fully fire alarmed.

Mr. Capozella: As the resolution states, as per the ordinances and codes of the City of Middletown; okay?

Mr. Croughan: Are you the owners of the building?

Mr. Rothman: Yes.

Ms. Witt: What is the name of your company? (Inaudible).

Mr. Rothman: Just going to put a small sign on the mailbox. We don't need -- we don't have customers coming and going.

Ms. Witt: Okay. So you're not (inaudible).

Mr. Rothman: No.

Mr. Capozella: Okay. Anyone else?

Mr. Croughan: Mr. Chairman, this is based upon what they've represented the traffic flow to be. If the traffic flow increases from their facility, would we need to have a traffic study or anything?

Mr. Capozella: I guess that would greatly depend upon the flow. There is another

company that adjoins them, Hershey Ice Cream, which has traffic flow, so I'm not sure, you know, how we would do that, how we would gauge that.

Mr. Croughan: It just seems to me that if their business grows tremendously, they took over the whole spot, and they had a lot of traffic coming in and out with trucks, and being so close to a main street there, I don't know if that would impact the traffic flow.

Mr. Capozella: Well, good point though is that if their business grows and they take over more of the building, they'll have to come back to us anyway to represent the growth or the taking over of that building.

Mr. Croughan: Okay.

Mr. Capozella: So I think at that time, we're going to have to address the traffic issue.

Mr. Croughan: Okay.

Mr. Capozella: All right. Do you understand that?

Mr. Rothman: One hundred percent.

Mr. Capozella: Great. Okay. We hope you do well. Anything else? Ms. Hewson, do you have a question?

Ms. Hewson: Oh, no. I like that you brought that up. I was just thinking the same thing, they'd have to come back.

On the resolution for 35 Dolson Avenue, warehouse/distribution facility, with hours of operation Monday through Friday, 8:00 a.m. to 6:00 p.m. Subject to City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

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

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

The Detroit Bowling Company

14-22 Cottage Street

Amendment of the existing special use/site plan to allow cooking on premises

Mr. Capozella: Good evening, sir. Please state your name for the record.

Mr. Roome: Good evening, everybody. My name is Thomas Roome.

Mr. Capozella: And please state your intentions. What do you plan on doing?

Mr. Roome: We want to increase our food menu.

Mr. Capozella: That's pretty simple, huh?

Mr. Roome: Yes.

Mr. Capozella: All right. So you're going to be cooking on premise.

Mr. Roome: Correct.

Mr. Capozella: Okay.

Mr. Roome: Right now, we kind of basically reheat food, and now we want to actually prepare some items fresh in our facility.

Mr. Capozella: Excellent. Ms. Tu, do we have our mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: We're going to open the public hearing.

The public hearing was opened.

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

Ms. Tu: No comments.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one on the phone.

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

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. Anyone present wishing to step forward and comment on the application? We'll move to the Board for any comments, questions, or concerns. Ms. Witt.

Ms. Witt: Who is preparing your food? Who's going to be preparing the food and serving the food?

Mr. Roome: We're going to have somebody that will be dedicated to our food services.

Ms. Witt: Okay. So you're going to have a cook --

Mr. Roome: Chef. Yeah.

Ms. Witt: -- a chef, and then who's going to be serving the food? So is a bartender going to be serving the food as well as preparing drinks and getting money? I notice from your schematic that where your concession stand is, where is actually your bar?

Mr. Roome: That is the bar area.

Ms. Witt: That is the bar area. So you want to put the food prep right next to where the bar area is.

Mr. Roome: Correct.

Ms. Witt: Okay. Is there going to be seating at the bar for food as well as for drink, or is it --

Mr. Roome: It's a kind of a combination setting.

Ms. Witt: Okay.

Mr. Roome: We also have tables that are arranged in the other areas of the space that, you know, people would be able to eat there as well.

Ms. Witt: Okay.

Mr. Capozella: Anyone else from the Board? We'll go back to the public hearing.

Ms. Hansen, do we have anyone online?

Ms. Hansen: We do not.

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

The public hearing was closed.

Mr. Croughan: Mr. Adkins or Mr. Welch?

Mr. Capozella: They're shaking their heads all good.

Mr. Adkins: Sorry. No comments.

Mr. Capozella: The transcriptionist can't see that. Okay. Thanks.

Mr. Croughan: Again, this is another restaurant. Department of Health.

Mr. Capozella: Yeah. You have to notify the Department of Health, send them a plan.

Mr. Roome: Yeah. We have.

Mr. Capozella: I know you're an existing facility, but would you mind sharing your hours of operation with us, please.

Mr. Roome: Funny that you asked that. I had a feeling you were going to ask that.

Mr. Capozella: Okay.

Mr. Roome: I know that we're on the record for later than what we are currently post-COVID or what we're operating at right now.

Mr. Capozella: Okay. That's fine. You can give us what's on the record.

Mr. Roome: But what I wanted to do for the Board was kind of give you an idea as to what our food was going to be because we're open a little bit later on some of these days, but I want to concentrate from an operational perspective as to like when our food is going to be ready.

So we're thinking what we would like to do, like to propose, is 5:00 to 9:00 Monday through Thursday, 2:00 to 10:00 on Fridays because we open a little bit earlier on Fridays, noon to 10:00 on Saturdays, and noon to 9:00 on Sundays.

Mr. Capozella: And are those hours less than what you have on the record already?

Mr. Roome: Yes, sir.

Mr. Capozella: All right. You've already stated them for the record. I'm not going to put them in the resolution. They're also controlled by the DMU Zone. You can't go past a certain time Monday through Thursday anyway, past midnight, and all these hours fall within those parameters, so we're okay.

The only other thing we have to do just so the Board knows, we have to waive parking. They are in the DMU Zone, and there'll be a little bit extra added to the application or to the resolution when I state it; okay? If you have any questions, you can always ask.

Mr. Roome: Thank you.

Mr. Croughan: Mr. Chairman, in addition, are they changing the use to eating and drinking from recreation?

Mr. Capozella: That's what they're amending, in my opinion.

Mr. Croughan: Do we have to make that as part of the resolution?

Mr. Capozella: We could. I can reread it as -- it's amending from a recreational to an eating establishment.

Mr. Croughan: Eating and drinking; right?

Mr. Capozella: Eating and drinking establishment. Right.

Mr. Croughan: And they will comply with the --

Mr. Capozella: The codes of the SLA, State Liquor Authority, which you probably do already, but further.

Mr. Roome: My understanding is we are required to serve food.

Mr. Capozella: That is correct.

Mr. Roome: And that's how we originally presented to the Board.

Mr. Capozella: It probably goes back, like I said, to his original approval. He's still under his original approval. He's now making the food himself rather than running the food.

Mr. Croughan: But before, it was classified as recreation. Is it now being changed to eating and drinking?

Mr. Capozella: I don't see why not. The issue is does that take them away from a recreational?

Mr. Croughan: No. I think it's an ancillary use.

Mr. Capozella: Okay. And both are permitted, so we would be okay. All right.

I'm sorry, Mr. Madden. Did we answer the question?

Oh, no. Architectural Review Board. The transcriptionist will add you must go through the Architectural Review Board for any façade changes or sign changes that you're going to do on your facility.

Mr. Roome: Okay. And that's exterior to the building?

Mr. Capozella: Correct.

Mr. Roome: I don't think -- we don't have anything at this point.

Mr. Capozella: According to your application, there was none, but in case you do, you have to go before the Architectural Review Board to do so.

Mr. Roome: I understand that. I remember that from before.

Mr. Capozella: Okay. I didn't.

Mr. Roome: Anything outside.

Mr. Capozella: Yes. Correct.

On the resolution for 14-22 Cottage Street, amendment of the existing special use/site plan to allow cooking on premises, now an eating and drinking establishment, with ancillary recreational uses, with hours of operation as already established. Subject to City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Whereas, this application is located in the DMU Zone, applicants must submit and receive approval from the Department of Public Works according to Chapter 407, Solid Waste, Article 3, Collection, Section 407-3, Collection, and comply with this section and any other sections enacted by the Common Council from this date forward.

Whereas, pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void. If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval. A waste collection plan must be submitted to the Common Council.

You must go through the Architectural Review Board for any façade changes or sign changes.

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

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

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

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

Adjourned 7:45 p.m.

Respectfully Submitted,

Diane Genender, Transcriber