

leave right now. My brother wanted to be a bigger man he wanted ... I never seen a person get knocked out so bad. The bottom line is there are rules and regulations, we all have to follow. If someone tells you to leave basically you are not welcome, leave. My biggest comment to youth, young men and women you have to be very respectful to yourself and to others. If it becomes a situation where anybody ask you to leave just leave. Simple as that. I understand. I use to go to the game and my son played basketball, after the game kids run around for 1-2 hrs. This is not a daycare. It is not the school responsibility to maintain order. If the game is going to be over 1 o'clock or whatever call for your ride. We have the custodians that have been in the school all day long, they have to clean the gym after everybody leaves. Teachers there all day long, they have to go home. The video speaks for itself, no disrespect to anybody the video speaks for itself.

Ald. Kleiner-Chief I thank you for not prejudging anything. For saying what you always do, look at the facts, you review the situation see exactly what happened and you will see if all policy and procedures were followed. We know the social media account wasn't just the video it came with a lot comments. I'm not of Facebook I don't see it, somebody showed me part of it. But I also want to commend the people who came here from Newburgh and everyone who spoke got up and talked about solutions. We are here to find solutions, we want to see what we can do to prevent this, not accusing anybody of anything. They said let's see, believe me fighting between Middletown and Newburgh or Middletown and Port Jervis it has been going on for a long time and what you need to do is what you and the Mayor, Superintendent DelMoro, and Newburgh counterparts have done which is to look at the overcrowding and overcapacity and the problems that arise from that. Particularly on bitterly cold nights.

I thank you folks from Newburgh for coming and only looking for solutions and I'm sure this conversation will be continued until we find solutions to prevent it from happening whether it is reserving seats or having capacity clearly marked someplace where people can keep warm if it is over capacity. But whatever it is everybody is looking to resolve it and to come up with a way that we can move forward and keep people from getting hurt. Yes when you have a lawful order obey it and that is the primary consideration and it goes a long way towards diffusing any situation.

Thank you Chief.

John Naumchik/City Clerk-Nothing this evening.

## 7. Public Hearings & Grievances

John Naumchik-One public hearing to amend the City Code Chapter 475 Zoning

Notice is here hereby given that the City of Middletown will hold a public hearing on Tuesday, January 21, 2020 on or as near to 8:00 PM as possible, Common Council

Chambers, 2<sup>nd</sup> floor, 16 James St. to hear any and all persons wishing to be heard on a proposed amendment to the Zoning Code Chapter 475.

To require commercial usage of the first floor of two-family and multiple dwellings in C-1,C-2 and C-3 commercial zoning districts.

A full copy of the proposed amendment to the Zoning Code is available in the city Clerk Office, Rm. 12 at City Hall 16 James St. Middletown, NY and on the City website.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed addition to the code.

By Order of the Common Council  
John C. Naumchik  
Clerk of the Common Council  
Publish: 1/9/20 & 1/10/20  
City Website

This also went to the County Dept. of Planning and we did receive a response this office has found no evidence that significant inter-municipal or county wide impact will result from this proposal.

Pres. Rodrigues opened the public hearing at 9:15pm

No one from the public came forward.

Ald. Kleiner-My understanding the way I look at this is we are simply removing the Planning Boards ability to waive the first floor commercial requirements for residential. Is that essentially it?

I know we scheduled a public hearing I don't know how it got here but that is what it looks like to me. As you know I've been to the Planning Board and Zoning Board hearings so I am familiar with their consideration.

Mayor DeStefano-We are removing it from the Planning Board and placing it where it belongs into the ZBA. There are different hardships requirements. Under ZBA requirements they have to prove a financial hardship. Under the Planning Board it was judged by the Planning Board. Downtown DMU zone and commercial zone this sole purpose of preventing first floor conversions from commercial residential. Not good for the community. The Planning Board at least some judgements who feel that people were making a financial hardship claim but not following the requirements of the ZBA financial hardships. In other words some people would go to the Planning Board and say I've had my place open for rent for 6 months and nobody wants to rent. Well, may be because they were asking for too much money and that was becoming the practice. They were claiming a hardship but they weren't meeting the criteria of financial hardship.

So we now moved it from, hoping that you will move it from Planning Board to ZBA for that purpose.

Ald. Kleiner-As long as it can go to the ZBA.

Mayor DeStefano-Yes absolutely.

Ald. Kleiner-The way the code reads now is the City Council

Mayor DeStefano-Correct.

Ald. Kleiner-ZBA can also.

Mayor DeStefano-ZBA has firm criteria that an applicant for any type of variance must meet.

Ald. Kleiner- Right.

Mayor DeStefano-Basically the ZBA is the first step in the legal process.

Ald. Kleiner- I am concerned for some of the people who have the 2 family and there were a couple of incidences one on Courtland and John St. where we changed it to C-2 zone allow them to continue. So as long as they continue as they are...

Mayor DeStefano-They would be a non-conforming use. That type of situation would be a continuation of non-conforming use.

This is where you have store front A but if they for some reason want to convert the two apartments above, If for a reason they want the first floor an apartment that is not an appropriate place for an apartment in our DMW zone.

They would then have to prove a financial hardship in order to qualify. Very hard to do and the reason behind it is, the ZBA is there to protect zoning. The Planning Board is there to give their opinions on how zoning should be implemented. But the ZBA has strict criteria.

Ald. Kleiner-Ok thank you.

On motion of Ald. Masi and seconded by Ald. Tobin

Public hearing closed at 9:19 pm

8. Petitions & Complaints

John Naumchik-Nothing this evening.