

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

March 1, 2017

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on March 1, 2017 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, Dan Higbie, Paul Thorn, Nicole Hewson, John Naumchik.

Members Absent: Laurence Risdal, Steven Sisco.

Other Attendees: Alex Smith, Assistant Corporation Counsel, Walter Welch, Building Inspector.

The Pledge of Allegiance was said.

On motion of Ms. Hewson and seconded by Mr. Thorn to appoint Mr. Capozella the temporary chairman for the March 1, 2017 Planning Board meeting.

Roll Call Ayes: Dan Higbie, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

Mr. Capozella: I also have to announce this evening that typically if this is your first trip to the Planning Board this is considered a preliminary hearing for your occasion tonight. That means that if the Board decides not to act on your application this evening and vote for it, it may be continued, all right? So I just want to let everybody know that up front.

On motion of Mr. John Naumchik and seconded by Mr. Paul Thorn to approve the minutes of February 1, 2017 as submitted.

Roll Call Ayes: Dan Higbie, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

**Morales Holdings, Inc.
295 Wawayanda Avenue
Pizzeria/Restaurant and Hair Salon**

Handed in mailings

Mr. Capozella: Please step forward and give us your name and address, please, sir.

Mr. Morgante: My name is Michael Morgante, I'm the project engineer for this application before you. Behind me is Mark Warner who is going to be a project manager for the project during construction and also assisting us during the planning. What you have before you tonight is essentially an existing site located at the intersection of Wawayanda Avenue and Chestnut Avenue. So essentially the site as it was existing before or during the prior use was a beauty parlor and essentially a pizzeria with a deli. What's being proposed before you tonight is essentially a very similar use almost in essence the same use which is continued use of the beauty parlor in certain section of the building and to propose essentially the Sorrento's Restaurant in the location where the existing deli and pizzeria was before. As you can see the site essentially in the existing site plan condition is virtually identical. The parking layout is essentially the same, what we've done is we've just shown some re-stripping patterns. What we've also done here is taking a liberty of trying to redo sidewalks in front of the building and make them more ADA accessible. We added a little bit of lighting to the site to help light the interior of the parking lot and we've slightly relocated the refuse enclosure into the back corner of the building. The site is located in a C-1 neighborhood business district. This is a special permit use that we'll be making an application for here before the Board for a restaurant with a full liquor license and if you take a look at the second sheet, I just flip the plan over; it will show you certain construction details, ADA accessibility, construction details, site lighting details. We proposed some LED lights, these have worked well at other sites that we've used them on before, we've got a dumpster chain link fence detail. That pretty much summarizes the project in a nutshell. There is really not a whole lot involved with it at this point.

Mr. Smith: Are there any new impervious services?

Mr. Morgante: No, none. We are using the existing parking lot. As a matter of fact I think 25 spaces are required for the use and 32 spaces have been provided, the 32 spaces are essentially almost existing on the site.

Mr. Smith: Is there any addition to the buildings?

Mr. Morgante: No, just interior renovation.

Mr. Smith: In your opinion the SEQRA is not necessary?

Mr. Morgante: No, it should not be.

Mr. Naumchik: I noticed there's no layout of the interior of what you are going to be doing. Like how many tables and things like...

Mr. Warner: We've provided that.

Mr. Morgante: I believe we provided that.

Mr. Naumchik: You have that, Martina?

Clerk: I'm not sure.

Mr. Naumchik: Does anyone else have it?

Mr. Capozella: I did not receive it in my packet.

Mr. Capozella: Just... what are you going to do with the property?

Mr. Morgante: I'm not sure why it's not in a package. It was... I think it's even in a transmittal letter.

Mr. Naumchik: How many... Are you going to be serving food, or is it just pizza or...

Mr. Morgante: It's gonna be a restaurant I believe. He has a copy of it.

Mr. Naumchik: So there will be a construction of a kitchen because there's no kitchen in there now.

Mr. Warner: There is.

Mr. Naumchik: There is a kitchen in there?

Mr. Warner: Yes.

Mr. Naumchik: I see. And what are the hours of operation?

Mr. Warner: 11 to 11.

Mr. Smith: How many days a week?

Mr. Warner: Seven.

Mr. Smith: Now, you understand, we have to go through this with everybody, no kind of nightclub use is permitted in that zone. There is no live entertainment, no DJs, no loud speakers.

Mr. Warner: This is a family Italian restaurant. The owner of this building also owns Frank's pizza over at the strip mall next to Staples. Same owner so it's the same atmosphere that's going on there is happening here.

Mr. Higbie: Can I ask you a question? The dumpster on the Chestnut Street side; it's a pretty visible place. Is there a reason why you went with a chain-link, is there like esthetically I would think like a vinyl enclosure would be much...

Mr. Warner: We are going to have privacy chain link around this.

Mr. Morgante: Privacy slats.

Mr. Higbie: Ok.

Mr. Morgante: My experience with the vinyl enclosures is that they don't last very long; they are not very sturdy so I prefer the proposed chain link fence with privacy slats.

Mr. Higbie: What about on the three sides that don't open or something, you would... you've had better experience with...

Mr. Morgante: Yes, what happens is if the truck goes in there, bangs it around a little bit the vinyl enclosures tend to break down very quickly.

Mr. Warner: And I have Dunkin Donuts site built too and I have three with that same and we are taking them off and replacing them.

Mr. Higbie: Oh, you have the vinyl now and you are replacing it?

Mr. Warner: Yes.

Mr. Higbie: I was just thinking it's right on the road there, it would be nicer if you could make it work.

Mr. Warner: We could do green or black there to hide the chain-link.

Mr. Morgante: All we've done is really rotate that thing 90 degrees and move it backwards so it's ... the existing location is on Chestnut, it's really just rotated 90 degrees and moved a little bit closer but again the vinyl, it doesn't last very long.

Mr. Thorn: If this is mostly the same use as it was before why is it in front of us? Was it out of use for over a year or... what's the difference...

Mr. Smith: Well, now they want an eating and drinking establishment. I do not believe there was a prior permit for alcohol.

Mr. Warner: Right, there was not but what there was before there was tables in the last deli/pizzeria that was there for eating inside.

Mr. Smith: They slightly modified the site plan I guess with the parking.

Mr. Morgante: Really just re-striping.

Mr. Smith: Ok.

Mr. Warner: And extra lights because the hours of operation will be at dark.

Mr. Smith: And when you say it's full liquor license you mean full liquor license not just beer and wine but ...

Mr. Morgante: Yes.

Mr. Warner: Yes.

Mr. Smith: Because we have those various designations in our Code.

Mr. Morgante: Yes, they will be seeking a full liquor license.

Mr. Naumchik: And again it was from 11AM to 11PM?

Mr. Morgante: Yes, correct.

Mr. Naumchik: And it was 7 days a week?

Mr. Morgante: Yes, correct.

Mr. Smith: Walter, have you had any chance to review this? Is there any need for it

to go to an engineer?

Mr. Welch: There is no reason for an engineer.

Mr. Smith: Ok.

Mr. Welch: There is no structural change or ... parking lot is not changing and it's all blacktop.

Mr. Smith: Do you need any time to review it or...

Mr. Welch: The only thing I didn't see is a floorplan but...

Mr. Warner: And I will submit those for the building permit at that time. Full set of plans for the building permit when we go for that.

Mr. Capozella opened public hearing.

Ms. McMenemy: Good evening. My name is Katherine McMenemy and I live at 19 Willow Place, Middletown. I live on Willow Place which is the first street in back of what used to be the deli/convenience store right there, 295. I also happened to work at that deli when it was there. Our concern with having a full liquor license in that area is that that is only a residential area. That's all there is. This would be the only facility of its kind in that whole area. Our concern is with a full liquor license as opposed to just wine and beer or a full liquor license and also the hours of operation. So if it's a restaurant and it's going to be open to 11 o'clock at night that probably won't constitute a problem for the residents there. However, if it was something that was going to be extended to 3 or 4 o'clock in the morning where liquor would be served then that's a different situation. So as long as you know we're assured that 11 o'clock is maximum time then...

Mr. Higbie: They'll be held to that time. If they wanted to change the time they would have to come back in front of the Board and you would get another public hearing.

Ms. McMenemy: Right, right.

Mr. Naumchik: That's the reason why I asked too. To make sure that the time is...

Ms. McMenemy: Yes, exactly because you know there are 250 homes around there so we just want to make sure that we don't have a problem with drinking.

Mr. Higbie: I grew up in that neighborhood.

Ms. McMenemy: I know you did, I was still there.

Mr. Smith: I can tell you the City has been enforcing these closure times.

Ms. McMenemy: Yes, that's good, that's good. So thank you for your time and consideration.

Mr. Morgante: If I could add to that, with the special permit use it's the purview of the Board to actually set those conditions on the application which is fine and on a yearly basis you guys get to review the application and obviously make any changes that you feel necessary.

Mr. Capozella: Anyone else from the public would like to speak?

Mr. Donnarumma: Yes, my name is Salvatore Donnarumma. My wife and I live across the street at 302 Wawayanda Avenue. When the deli was there they sold beer anyway so I don't see that there should be any problem. I'm very familiar with you know Frank's restaurants and it's a regular pizzeria type restaurant with regular hours so I'm all for it. I can't wait.

Mr. Warner: And just to add to the finishes, this is an upscale Italian restaurant. It's gonna have nice atmosphere, it's not for a bar looking area, just for the use of the restaurant.

Mr. Capozella: Anyone else from the public would like to comment? *No one came forward.*

Mr. Capozella: Ok, I'll go back to the Board then for any further comments. I just have one comment. I just want to double check. Your application states you have seats for 60 and a bar for 16. Your interior plan shows... I'm looking at probably 44 seats with about 16 at the bar, give or take.

Mr. Warner: Yes.

Mr. Capozella: So is this an accurate plan or...

Mr. Warner: Yes.

Mr. Morgante: That's an accurate plan; it could be a typo on the application.

Mr. Warner: Yes, we have with the sizes it's actually going down a little bit.

Mr. Capozella: So I'd almost say the total of 60, not 60 plus.

Mr. Warner: Correct.

Mr. Capozella: That's good.

Mr. Warner: Yes.

Mr. Capozella: I just wanted the Board to know that you really are going for the total of 60 not 76.

Mr. Morgante: Yes, which is further confirmed by the parking calculations on the site plan.

Mr. Capozella: Right. The only other comment that I have is, I'm not a lighting expert, ok? It just... it did look like you had enough lighting in the front of the building; I know it's a very precarious situation for not over lighting the area so that the neighbors don't get flooded but would you be willing to adhere to a stipulation that if you need additional lighting for security purposes or whatever around your building, that we include that in the resolution.

Mr. Morgante: Absolutely.

Mr. Warner: Yes, absolutely.

Mr. Capozella: All right, this way our code enforcement people can take a ride, if they think it's too dingy and dark ...

Mr. Warner: And with these lights that we are using, Dunkin Donuts on 17M that we've used those LEDs and also in Newburgh we had no problem lighting this whole parking lot.

Mr. Morgante: Just so you know if you take a look at the lighting plan the number we show of foot candles you know one is usually ... one, one and a half is usually a minimum to try to find your way around the site, right in front of the actual building here our range is from 2 to about 2.3 so we do feel that'll be adequate but we absolutely would love to have that...

Mr. Capozella: I just worry when you come around the corner it starts to go down

by the dumpster in that area there.

Mr. Morgante: Actually we have a wall pack on that side.

Mr. Warner: Yes.

Mr. Morgante: If you take a look at the area right where the sidewalk is up around 3.3 see what I tried to do is make it go to zero by the property line right where ... that's typically what you do.

Mr. Capozella: Excellent.

Mr. Morgante: And so we tried to light the parking lot itself so that people can get from the building to their cars but we don't want the spill over the property line.

Mr. Capozella: Any other comments from the Board members?

No one came forward and Mr. Capozella closed the public hearing.

Mr. Capozella: Walt, is there anything necessary to do anything with the hair salon or that's an existing condition?

Mr. Welch: That's an existing condition so they don't need an approval for a hair salon.

Mr. Capozella: Ok so there are no changes there whatsoever.

Mr. Warner: No.

Mr. Morgante: None.

Mr. Capozella: Ok.

On motion of Mr. Naumchik and seconded by Ms. Hewson that the Middletown Planning Board hereby approves the application of Morales Holdings, Inc. for a special use permit and site plan approval in order to have a pizza restaurant and hair salon located at 295 Wawayanda Avenue, Middletown, New York. Occupancy is 60 people total. The full liquor license will be obtained through New York State. Hours of operation are 11AM to 11PM Monday through Sunday. There will be no night club activities. The applicant will adjust any lighting outside of the building around the perimeter of the building as necessary for safety and security. This

approval is conditioned on the approval of the Department of Public Works and Fire Department.

Roll Call Ayes: Paul Thorn, Anthony Capozella, Dan Higbie, Nicole Hewson, John Naumchik.

Mr. Capozella: You need to see Mr. Welch.

Mr. Morgante: Yes. Thank you.

Richard Quinn
200 East Main Street
Parking lot

Handed in mailings.

Mr. Capozella: Please state your name for the record.

Mr. Quinn: Richard Quinn II.

Mr. Capozella: And just describe briefly what you are here for this evening.

Mr. Quinn: Basically just to... we are not adding or taking away anything, just to add more parking spaces. We are currently approved for 15 cars but due to business growing and everything we just need more parking spaces. On the plans I did each parking space 10 by 20 instead of 9 by 18 just to show you how much room I have to work with there. Each parking space is 10 by 20 instead of 9 by 18.

Mr. Smith: Now you are talking about more parking spaces for the used car sales, for the customers or what?

Mr. Quinn: Well, for the used car sales, yes and also for customers because we do a lot of dealer cars so a lot of them cars don't have plates, they are not registered so they are pretty much just for unregistered cars.

Mr. Smith: I don't follow you.

Mr. Quinn: With the car wash we have a detailing service there and dealers drop off cars for us to detail.

Mr. Smith: Well, on the old site plan the cars going through the carwash were in the paved area at the, the best that I can put it, at the bottom of the site plan on

Railroad Avenue and then they exited toward East Main Street and there was a paved area there.

Mr. Quinn: Yes.

Mr. Smith: Are you talking about actually parking cars that are going into the car wash?

Mr. Quinn: No, not at all.

Mr. Smith: Ok, so what's the change from the old one?

Mr. Quinn: All we are doing is just adding parking space. That's it. We are not really changing anything just adding more places to park vehicles.

Ms. Hewson: Is this the property for sale?

Mr. Quinn: Yes, we have it for sale.

Ms. Hewson: So we have to take that into consideration – any other business that would have come in with all those parking spaces.

Mr. Smith: How many spaces total you have, just so that everybody is clear, on the old site plan you have, correct me if I'm wrong 15 for the used cars sales area and you have... I count 7 for customer parking and then 4 for employee parking. The employee parking was right next to the lot for the car wash, customer parking was adjacent to 10 East Main and the used car was on the East Main Street side, right next to the parking area, I mean the paved area where cars would exit the car wash and it looks like you really changed quite a bit around. You want to describe it. Because you don't really...

Mr. Naumchik: Yes, I count 54 spots all together he's got here, the minimum.

Mr. Smith: And you haven't designated which are which.

Mr. Quinn: All right, so basically the ones on the side here...

Mr. Naumchik: Side where?

Mr. Quinn: Railroad Avenue where the entrance is that's gonna be for the car wash parking right there.

Mr. Smith: So there is going to be a designated car wash parking?

Mr. Quinn: Yes, yes this is gonna be for the details and customer parking's right on the side here and then the bigger one...

Mr. Smith: How many are down there so we get it clear.

Mr. Naumchik: Nine, right?

Mr. Smith: Nine?

Mr. Quinn: Correct.

Mr. Capozella: Is there a building? Is there a ...

Mr. Quinn: Yes, there's a shed right in the middle.

Mr. Capozella: So are you going to take the shed down?

Mr. Quinn: You know if we have to. It's just a shed. I mean we can take it down, that's not a problem.

Mr. Capozella: Well, we have to ask that question.

Mr. Quinn: Yes.

Mr. Capozella: So in order to get those spots you are going to remove the shed.

Mr. Quinn: Yes, we can remove the shed, yes.

Mr. Naumchik: Where are the employees gonna park?

Mr. Quinn: They can park right where the shed is or ... I mean a lot of them they don't even... they don't have vehicles, they don't drive.

Mr. Smith: Well, you going to have to show where the employees are and where the used cars are and it just seems to me how do you drive around in the middle of this?

Mr. Quinn: It pretty much loops right around. It loops right around and exits, you can loop right around the place.

Mr. Smith: It's pretty narrow though, right?

Mr. Quinn: It's about 10 to 12 feet. I mean...

Mr. Thorn: For the plan we are looking at is there curbing on those areas that are paved or not?

Mr. Quinn: Yes, there's curbing there.

Mr. Thorn: So ... ok, so the only place... I mean I drive by frequently on East Main. It looks like you would come in from the East Main side. Is that where the cars come into this parking area?

Mr. Quinn: No, they start at Railroad Avenue and they exit on East Main.

Mr. Thorn: Ok.

Mr. Capozella: What do you plan on doing with the large... I call it a shed but it's not a shed. It's like 20 by 30, it's an over-cover.

Mr. Quinn: Yes, I mean we can still put cars in there. It's not... you know...

Mr. Capozella: You have the parking drawn where the shed is.

Mr. Quinn: Yes, we can remove that tomorrow it's just a light piece of steel, or park two cars in there.

Mr. Capozella: It's just... I'm sorry, we have to make it clear where you are going to park things and it doesn't show that structure so...

Mr. Quinn: Ok then that'll be removed.

Mr. Smith: And is the shed you are talking about the block building on the 2002 site plan?

Mr. Quinn: No, no we are talking about the removable.

Mr. Smith: There's a block building, small block building on the 2002 plan. Is that the shed you are talking about?

Mr. Quinn: No.

Mr. Smith: No?

Mr. Capozella: There is, I call the shed; there's a block building there, you are correct. You said you will remove that in order to get the client spaces on the side here. Now, there's a shelter ... you see these spots right here? There is a huge aluminum style shelter.

Mr. Quinn: Yes, there is like a little car port there.

Mr. Higbie: They are not going to remove the block thing.

Mr. Capozella: He said he will?

Mr. Higbie: No, he said no.

Mr. Quinn: Yes, I think we misunderstood. The block building there that just houses our lawn equipment so on, so forth. We are not gonna remove that.

Mr. Higbie: Doesn't that end with parking spots?

Mr. Quinn: No, that's not in the parking spot.

Mr. Higbie: It's to the right, to the side of this?

Mr. Quinn: Yes.

Mr. Capozella: Now, there's a shelter right here.

Mr. Smith: That's what's gonna be removed?

Mr. Capozella: That's what's gonna be removed. There's a shelter there also.

Mr. Quinn: Yes, just like... yes, that will be removed.

Mr. Smith: So, you gonna have to redo the site plan.

Mr. Quinn: Ok.

Mr. Smith: You gonna have to make it neater, mark what's what.

Mr. Higbie: I'd like to make a recommendation that you show a little bit better the

flowing; maybe on couple of these you might want to take that end spot off just so that you can show better flow, better room on the side.

Mr. Quinn: Ok. Oh, right over here?

Mr. Higbie: Yes, like that second one is...

Mr. Quinn: I mean, we can take away that spot if that's gonna hold us up.

Mr. Higbie: Yes, you might want to.

Mr. Quinn: Yes, we can take away the two spots.

Mr. Higbie: Yes, the second row and the bottom row, those two at the end you might want to.

Mr. Quinn: Yes, we can...

Mr. Thorn: I would also want to know what the ground surfaces are in different areas and where the curbing is. Because the way it looks here it looks like you are putting spaces along the... I guess along the Railroad Avenue side there's a line of spaces that looks like it's partially paved there and partially not. And maybe it's just the way the drawing is so...

Mr. Quinn: Yes, that was just the way the drawing is, that was the proposal.

Mr. Smith: Yes, the Chairman has made a good point -the 2002 drawing is a lot better constructed and more clear.

Mr. Quinn: Ok.

Mr. Smith: So you ought to go off of that.

Mr. Capozella: And at the moment, I drove in this parking lot, there's like 45 cars there right about now, give or take.

Mr. Smith: Just so that the Board is aware, we are in the City Court because there was an overabundance of cars and one of the suggestions.... we had discussions in the City Court that perhaps one of the smart things to do would be to come back to the Planning Board and ask for a different layout. The layout you had wasn't working. Obviously we'll resolve City Court in the City Court but that was... the result of the City Court action was this application to change the configuration.

Mr. Capozella: Yes, because it is pretty crowded and most of the vehicles, in fact, I think all the vehicles are unlicensed.

Mr. Quinn: Yes, yes, it's under the dealership.

Mr. Naumchik: I don't have a problem with 18 spots that he has in front, maybe if he made them 17; I don't like this 7, 7, 6, 7 that should be cut down, I think that's too crowded and just make it 3 rows instead of 4 rows.

Mr. Capozella: I think he understood that because Mr. Higbie brought that up that maybe he take the end ones off of there that are sticking out a little bit to get a little more flow of traffic also there is also cars parked right now on the black top pavement that goes out on to East Main Street which limits that roadway there so I assume by this drawing that they will no longer be there.

Mr. Quinn: No.

Mr. Capozella: Ok.

Mr. Naumchik: So I would cut those 4 rows down to 3 rows.

Mr. Capozella: Ok?

Mr. Thorn: I have a question, so you just do the detailing? You don't do sales?

Mr. Quinn: Yes, I own a car dealership there.

Mr. Thorn: Is the office for the car dealership in the carwash building?

Mr. Quinn: Yes.

Mr. Thorn: Ok.

Mr. Capozella: So this is a dealership?

Mr. Smith: It is. You have a State license, correct?

Mr. Quinn: Yes.

Mr. Naumchik: And you are not doing any work... changing oil or any of that.

Mr. Quinn: No, nothing, no mechanical.

Mr. Naumchik: No mechanical?

Mr. Naumchik: And these cars are newer, they are not cars that...

Mr. Quinn: We have a lot of cars.

Mr. Naumchik: You don't tow in cars there.

Mr. Quinn: No, I don't have a tow truck.

Mr. Capozella opened public hearing.

Mr. Kleiner: Hi, Jerry Kleiner, Randall Heights. My questions is, when I was on the Council previously, we specifically reduced the requirement for parking spaces from 10 by 20 down to 9 by 18 and the idea is to fit more cars and reduce the amount of impervious surface that you gonna need and I didn't know if that would help or if there was a specific reason they went up to 10 by 20 on the spaces. Just curious on that. I know we are also getting suggestions to reduce the parking requirements per square feet so we are trying to limit the number of cars that way. That's not applicable here but...

Mr. Smith: Well, let me ask the question – you are not creating any more impervious surface, are you?

Mr. Quinn: No.

Mr. Smith: Ok.

Mr. Kleiner: So it's the same amount of surface but I'm just saying how you fit more cars without you know having to expand it or... So, just a thought.

No one else came forward and Mr. Capozella closed public hearing.

Mr. Capozella: So I believe what I hear in the conversation is that the applicant is going to redo his site plan, reduce the area where he can, remove cars and come back with kind of a little clearer site plan so that we know what you are doing.

Mr. Quinn: Ok.

On motion of Mr. Higbie and seconded by Mrs. Hewson that the Middletown

Planning Board hereby adjourns for future consideration the application of Richard Quinn for a site plan approval in order to have a parking lot located at 200 East Main Street, Middletown, New York.

Roll Call Ayes: Dan Higbie, Paul Thorn, Anthony Capozella, Nicole Hewson, John Naumchik.

Mr. Quinn: Thank you.

Mr. Capozella: Thank you.

Dureka Forbes
119-143 Dolson Avenue and 157 Dolson Avenue
An early learning daycare center

Handed in mailing.

Ms. Forbes: Hello. My name is Dureka Forbes and I'm at 9 Euclid Avenue, Middletown, New York 10940 and I'm here tonight to discuss the opening of a daycare center at the address mentioned. And the daycare center is going to be OCFS regulated by the State which is Office of Children and Family Services and I'll service children from 6 weeks to 12 years old for before and after school care for the older children from 5 to 12.

Mr. Smith: How many children?

Ms. Forbes: Right now it's equipped for about 60 children because of the bathrooms. I do want to add 2 bathrooms to probably get to about 70 or 75 but again that's contingent on OCFS requirement as well, if they would allow it.

Mr. Smith: What's in the building now?

Ms. Forbes: It used to be a nursing school so the nursing school actually has about 5 classrooms now currently that are finished so I'm gonna reuse that as well as the bathrooms that are there and 2,000 square feet of space has to be I guess set up as a vanilla box for me to divide into classrooms.

Mr. Smith: Set up in what?

Ms. Forbes: Set up as a vanilla box for me to divide it up into classrooms.

Mr. Smith: So you are not going to add on to the building?

Ms. Forbes: No, it's already existing space on the site which is like 3,000 square feet on right hand side on the plan. It shows that 2,000 square feet is going to be divided into 4 classrooms.

Mr. Smith: So there are no additions to the building.

Ms. Forbes: No.

Mr. Smith: And how about, is there additions to parking?

Ms. Forbes: No.

Mr. Smith: No addition to impervious surface.

Ms. Forbes: No. The only thing that needs to be done is that playground has to be added at the back of the building so we need to fence it in, probably about 1,300 to about 2,000 square feet to allow the children to come out and play and we need like about a 6-foot fence and then we gonna to put the plates inside to give us a little privacy and then also it's blacktop so we make the surface soft for the children to play.

Mr. Smith: Walter, did you have a chance to look at this?

Mr. Welch: Ok, in regards to the playground, where do you intend to put that?

Ms. Forbes: The playground is gonna go right in the back of the building. If you look at the plan there's like a sewer system on the left hand side so right immediately to the right hand side the fence will go up and there is an exit door that we'll use as a secondary exit...

Mr. Welch: Isn't there a square footage per child for a playground area?

Ms. Forbes: Yes, it's...

Mr. Welch: How many children you plan on having in your facility?

Ms. Forbes: So it's gonna be about hopefully 60 to 75 children.

Mr. Welch: Ok and what's the square footage you need per child?

Ms. Forbes: 35 square feet per child.

Mr. Welch: So you are talking 2,000 square feet of playground area.

Ms. Forbes: Correct, if I need all the children to come out at one time and play so I won't be doing that. We'll be scheduling playtime for the children to avoid you know conflict of the square footage per child.

Mr. Smith: Where exactly is the playground. You don't show it on the map unless I'm missing something.

Mr. Capozella: Yes, that's going to be one of the...

Mr. Smith: You gonna have to do that to show us but...

Ms. Forbes: It's actually on the plan where it says... the bigger version of the parking spaces, it's in the back. It says playground.

Mr. Smith: Yes but that's not the whole thing, I assume.

Mr. Naumchik: Are you talking about this or are you talking about the big plan?

Ms. Forbes: Both of them.

Mr. Smith: Ok but on the big map what side of the building – upper, lower, left, right is the playground?

Ms. Forbes: See where it says Main Street building?

Mr. Smith: There's a lot of Main Street buildings on this.

Mr. Capozella: See this right here? This raised manhole right here, where the brook is.

Mr. Smith: So the back... you are talking about the playground will go right up to the brook.

Ms. Forbes: No, it won't go to the brook because it's gonna be enough space for truck delivery for the other stores, for common area.

Mr. Smith: But that's the area you are talking about.

Ms. Forbes: Yes, but it won't go anywhere near the brook.

Mr. Smith: Is the playground ... is the side of the playground contiguous to the building?

Ms. Forbes: Yes, it's continuous to the building so it's gonna come out probably about 5 or 6 feet out. You see the sewer system that's right there? You see that box? It has a circle inside of box.

Mr. Naumchik: It's a large man hole, right?

Ms. Forbes: Right. That's gonna be fenced in to prevent the children from obviously going in that area and at the end of that sewer system is where the gate is gonna be.

Mr. Thorn: But will it continue around the back side of the building?

Ms. Forbes: Yes, just around the back side of the building.

Mr. Thorn: Isn't that where the traffic through the ... trailers and trucks drive through there for the delivery to the building?

Ms. Forbes: The landlord is gonna have them come in on the other side because of the daycare.

Mr. Smith: I think you gonna have to show that on the site plan so that we ...

Mr. Thorn: Yes, we'll need more detail on that area, the parking.

Mr. Smith: Do you already have a permit from the State or is it contingent on getting this building? How does that work?

Ms. Forbes: The City would... if you guys would approve the space then after that I would actually have the State come out to approve it. They did a pre-site inspection of the area, they were ok with it and then they come back out once I finish the classrooms just to make sure everything is ok up to code. So they also would do the same thing that you are talking about in regards to the playground to make sure it's safe.

Mr. Higbie: I was just gonna ask, is the playground a requirement for ...

Ms. Forbes: Yes, they need outdoor time.

Mr. Higbie: Ok.

Mr. Naumchik: Yes, it's a requirement.

Ms. Hewson: What kind of fencing are you planning? You said 6 foot fencing, because it's so close to that brook. A lot of kids can climb fences very easily.

Ms. Forbes: It's not gonna be so close to it because that brook has to be fenced in as well, it's not fenced in currently so he's gonna fence that in, so it's gonna be a double fence and then we are going to move over little bit to the right.

Mr. Smith: You have to show that on the plan too.

Ms. Forbes: Ok.

Mr. Higbie: And there is a certain number of parking spots that are required based on the square footage of the shopping center and we... your landlord or somebody should make sure that if we take these ... because you have to take these parking spots out if you are putting in a playground that close; they are not gonna have enough angle to get out of there.

Mr. Welch: They have ample parking.

Mr. Higbie: Ok.

Ms. Forbes: It's 564 spots for parking but there's no parking in the back.

Mr. Higbie: But I would say we gonna get rid of some of that parking...

Mr. Welch: Where she's gonna eliminate is secluded parking anyway.

Mr. Higbie: Ok.

Mr. Smith: What's your hours of operation?

Ms. Forbes: Hopefully from 6AM to 7PM.

Mr. Smith: Every day?

Ms. Forbes: Monday to Friday and again depending on whether they approve it as well.

Mr. Capozella: Yes, this floor plan has to be approved by them also because I see you have means of egress that really the building doesn't possess at the moment; I assume you are going to put these doors in.

Ms. Forbes: The means of egress from the primary exit?

Mr. Capozella: Yes.

Ms. Forbes: And also the back exit?

Mr. Capozella: Correct.

Ms. Forbes: That's all I need because there's a sprinkler system in the building.

Mr. Capozella: Ok.

Ms. Forbes: So the classrooms from the outside they all have doors, just from the interior where the hallway's at, there's no classroom doors there. But because of the sprinkler system I don't need two exits per class.

Mr. Smith: I think what you ought to do is during the time period that you are redoing the site plan invite the building inspector over for an inspection of the building.

Ms. Forbes: Ok.

Mr. Welch: And Adam McCarey, the fire inspector.

Ms. Forbes: Ok.

Mr. Capozella: This way when you redo the plan it will be accurate and approvable.

Ms. Forbes: Ok.

Mr. Capozella opened public hearing. No one came forward and Mr. Capozella closed public hearing.

On motion of Mr. Higbie and seconded by Mr. Thorn that the Middletown Planning Board hereby adjourns for future consideration the application of Dureka Forbes for a special use permit and site plan approval in order to have an early learning daycare center located at 119-143 and 157 Dolson Avenue, Middletown,

New York.

Roll Call Ayes: Dan Higbie, Paul Thorn, Anthony Capozella, Nicole Hewson, John Naumchik.

Ms. Forbes: Thank you. Good night.

Mr. Capozella: Thank you.

101 Monhagen Avenue, LLC.

101 Monhagen Avenue

Eating establishment

Mr. Park: Good evening everyone. My name is Sangjin Park, the owner of 101 Monhagen Avenue. I'm here to get an approval for Korean restaurant. The building consists of three store fronts. I'm combining two stores as one. It used to be a bar and a barber shop. Two store fronts we are planning to change to one Korean restaurant.

Mr. Smith: And let's make it clear – eating and no liquor, correct?

Mr. Park: We are not applying for a liquor license.

Mr. Smith: That's gonna be a stipulation because as you know, because you were involved in the City Court action, there is a court ordered stipulation that that bar usage is gone; it's not grandfathered. You would have to get a new permission form the Planning Board which I doubt would be granted to have any kind of liquor establishment in that area ever again. What it also means that means no liquor, no live entertainment, no DJs, no dancing, just food, is that right?

Mr. Park: Yes.

Mr. Smith: Ok.

Mr. Capozella: Ok. Any comments from the Board first or...

Mr. Naumchik: The first question is the hours of operation.

Mr. Park: It's gonna be Monday through Saturday, 11 to 10, closed on Sunday.

Mr. Naumchik: And you are serving food...kitchen is already there?

Mr. Park: The bar used to have a kitchen in the back, gas line is connected already so I haven't submitted architectural drawing yet but gas line is there but you know architectural drawing will be submitted and then we will talk about the...

Mr. Naumchik: You gonna have two front entrances or are you going to make it one going to both?

Mr. Park: We have two entrances but when you come in it's gonna connect it.

Mr. Smith: So you are going to install more kitchen equipment.

Mr. Park: I'm sorry?

Mr. Smith: You gonna have to install more kitchen equipment.

Mr. Park: Yes.

Mr. Smith: Ok.

Mr. Smith: So probably what you ought to do is invite the building inspector and fire inspector over to show them where these things are gonna go and how it's gonna be configured.

Mr. Park: Yes, I will.

Mr. Capozella kept public hearing open.

Mrs. Ramkissoon: Good evening, Kate Ramkissoon, I'm the alderman representing the third Ward. I just want to speak from what I'm hearing it sounds like a major improvement to what we had there. Just... I'm more present because I was around when the quiet neighborhood sports bar came to this location 2 years ago and it certainly was anything but. I'm just kind of here on behalf of the neighbors who suffered for a long time with noise and inappropriate behavior and litter and mess and all the things that went with it so everything you just said, Alex is wonderful news for all the neighbors I'm sure who are here tonight so I just wanted to say I'm sure we are all happy with a restaurant as long as it is nice and quiet. So thank you.

Mr. Broas: Are you saying that they are not allowed to have wine in the restaurant?

Mr. Smith: Not now.

Mr. Broas: Not now, what do you mean?

Mr. Smith: Not now; if they want to do that my suggestion would be to see how the restaurant operates, see how successful it is, how it jives in with the neighborhood; they can come back to the Planning Board for that kind of permission. Right now it's just eating, no liquor.

Mr. Broas: None at all?

Mr. Smith: No.

Mr. Broas: Ok, thank you.

Mr. Higbie: Were you asking for liquor originally? Were you gonna...

Mr. Broas: Yes, they were asking for wine and beer, weren't you for your restaurant?

Mr. Park: We are not applying for the liquor license right now.

Mr. Smith: So again, if they want to in the future, they can always come back to the Planning Board but my suggestion is to see how the place operates and see how well it mixes in with the neighborhood before you do that.

Mr. Park: Yes, I respect that.

Mr. Broas: But most restaurants are allowed to have wine and beer, aren't they?

Mr. Smith: Most restaurants aren't placed where D'Rumba's bar was which was basically a nuisance to the neighborhood so we are going to be very careful with this.

Mr. Boras: I understand and that was another story that place at that time.

Mr. Smith: Well, it wasn't that old of a story. These gentlemen were involved, so we are going to go nice and slow.

Mr. Broas: Ok.

Mr. Choi: Can I make a comment? I'm his brother-in-law, Gene. There are lot of restaurants in the City of Middletown and nearby towns but there are no Korean

restaurants so I think Middletown residents and nearby residents deserve Korean menu which is beautiful food and healthy with affordable and competitive price so I'm very proud you know, I'm glad that we are able to submit this plan. Thank you.

Ms. Mills: I'm one of the neighbors that she was speaking... Kawana Mills and I live on Cornelia Street. So I'm one of the neighbors who was grossly affected by D'Rumba's and so called barber shop that was on Monhagen Avenue. When every weekend they would let out, they would make their way up Cornelia because unfortunately there is nowhere to park so they would park up the street. And since we moved on Cornelia almost 10 years ago, we were the two houses who were the new construction and we requested sidewalks, we didn't get them so now when the bar was open they would literally park on my front lawn. So I was the neighbor who would have to call the cops because they were outside being noisy and my boys' rooms are in the front that would have to deal with this every weekend. Now, I'm extremely excited for an eatery because he is correct, I'm tired of going to Newburgh and to Manhattan to get food so I'm happy about that. The liquor, I'm very edgy about it because once again you are talking 10PM on the weekend, go to church on Sunday we having to deal with this on the weekend. But I would like to know, more importantly, where is the parking. How it would work if we are now talking about a full blown restaurant as compared to just a deli where you just kind of come in and out. Because now that means once again they will be coming up Cornelia, I do not have a sidewalk; they will be parking on my front lawn. So that's both for myself as well as the house next door to me at 8 Cornelia where we had a same problem because we don't have a curb or a sidewalk. So, I mean it was ridiculous that they would literally be parking on the front lawn.

Mr. Smith: You gentlemen have an answer for that? What about the parking? I know the Planning Board is gonna have to waive it but what is your idea about parking?

Mr. Choi: Behind his building he got about 10-15 cars space and also I own a building across the street his building, I also provide extra space for parking and there is also street parking also.

Mr. Smith: Again, when you have the building inspector and the fire inspector over there you ought to point to them where the parking's going to be so that we can get an accurate count of what you need in terms of a waiver.

Mr. Choi: Yes.

Mr. Smith: Because obviously you don't have enough parking on your site so the Planning Board has to step in and waive it. But we'd like to have a better idea of where exactly it's gonna go. Let me ask you this: if you are successful how many patrons do you expect you are going have?

Mr. Capozella: They have seating for 24. So we can hold them to 24 as we have a plan for.

Mr. Smith: Is that accurate 24?

Mr. Park: It could be little changed but we are proposing 24 seats for now.

Mr. Smith: And if you want to expand it you have to come back to the Planning Board but in terms of cars, Walter, when you go out there you might want to figure out how many cars ...

Mr. Welch: I'll take a look at public parking.

Mr. Smith: What would be the estimate of cars with that kind of seating?

Mr. Capozella: That would be 4-5 parking spots.

Mr. Smith: At least, yes plus employees.

Mr. Park: Like he said, you know he got 25-30 cars available in his building and I have...

Mr. Smith: Which one is that? What's the address?

Mr. Choi: 95 Monhagen Avenue.

Mr. Park: There is a deli and a liquor store and a barber shop is there.

Mr. Smith: There's parking behind there?

Mr. Park: Yes.

Mr. Smith: And you control that?

Mr. Choi: Yes.

Mr. Park: And also I have one empty lot which is not developed that could be developed and can hold at least 10 cars there too.

Mr. Smith: You might want to put some kind of ... I'm just thinking out loud, you can talk to Walter about it, put some kind of sign up that asks the patrons to please park in those areas as oppose to parking on the streets. Because you heard the lady, it's ... you know there's no sidewalks or curbs so we don't want cars parked on people's lawns.

Mr. Park: I really respect that.

Ms. Hewson: How many employees will you have?

Mr. Park: In the kitchen when we open, try to make sure 3 people in the kitchen and 2 to 3 people in dining area.

Ms. Hewson: So that's a possibility of 6 more cars.

Mr. Smith: That's what I'm saying.

Ms. Hewson: No, I remember you saying that I just...

Mr. Naumchik: So the employees you can have them park...

Mr. Park: Yes, in his parking lot.

Mr. Choi: Yes.

Mr. Naumchik: Yes, you can tell your employees where they can park.

Mr. Park: And also we are providing dining in, also delivery and take out is gonna be expected more than people coming in to...

Mr. Naumchik: And I assume you will probably have some walk-in traffic too from the neighbors and people around that area so...

Mr. Park: Yes.

Ms. Hewson: You said you have how many spaces in the back? You said there was room in the back?

Mr. Choi: 10-15 spaces.

Ms. Hewson: How come they are not on the site plan?

Mr. Welch: It's not on the site plan because it's a different location.

Mr. Capozella: A different lot.

Ms. Hewson: Oh, you are not talking about actual... ok. I thought you meant what used to be Broas' was separate to what you have. Ok.

Mr. Capozella closed public hearing.

Mr. Smith: Walter, you think you ought to do inspection pre-approval or post-approval?

Mr. Welch: We'll probably do post.

Mr. Higbie: Yes, that's what the normal...

Mr. Capozella: That's what we normally do I just have to make sure the resolution stipulates what we want.

On motion of Mr. Thorn and seconded by Mr. Naumchik that the Middletown Planning Board hereby approves the application of 101 Monhagen Avenue, LLC. for a special use permit and site plan approval in order to have an eating establishment located at 101 Monhagen Avenue, Middletown, New York. There will be no alcohol or liquor at this time, no night club activities of any type, which means DJs or amplified music. Hours of operation are Monday through Saturday 11AM to 10PM; closed on Sunday. Planning Board waives parking requirements. This approval is conditioned upon the approval and inspection of the Department of Public Works and Fire Department.

Roll Call Ayes: Dan Higbie, Paul Thorn, Anthony Capozella, Nicole Hewson, John Naumchik.

Mr. Capozella: Gentlemen, just make sure you meet with our building inspector and our fire inspector before you do anything. Thank you.

Mr. Park: Yes, thank you.

Mr. Capozella: Good luck.

Adjourned 7:55PM

Respectfully Submitted,

Martina Fu, Clerk