

**CITY OF MIDDLETOWN  
PLANNING BOARD  
MINUTES**

**May 10, 2017**

A special meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on May 10, 2017 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, Steven Sisco, Paul Thorn, Nicole Hewson, John Naumchik.

Members Absent: Dan Higbie.

Other Attendees: Walter Welch, Building Inspector.

The Pledge of Allegiance was said.

On motion of Ms. Hewson and seconded by Mr. Naumchik to appoint Mr. Capozella the temporary chairman for the May 10, 2017 Planning Board special meeting.

Roll Call Ayes: Paul Thorn, Steven Sisco, Nicole Hewson, Anthony Capozella, John Naumchik.

Mr. Capozella: For the record I have to let everyone know this is not our normal meeting of the Planning Board so this is a special meeting. Last week's meeting had to be canceled and rescheduled so this is considered a special meeting of the City of Middletown Planning Board.

Just so you know too, we have to make this announcement at every meeting, I just want everyone know that if you are here for the first time it's considered a preliminary meeting and that this Board has the right to review and if we choose not to accept your application we can ask you to come back with any alterations or anything to your plan; ok, so we have to let you know that.

On motion of Mr. John Naumchik and seconded by Mr. Paul Thorn to approve the minutes of April 5, 2017 as submitted.

Roll Call Ayes: Steven Sisco, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

**Victoria and Frank Lombardi**  
**38 Jordan Lane**  
**rear yard deck extension**

Mr. Capozella: Are you here this evening?

Mr. Lombardi: Yes, sir.

Mr. Capozella: Please step up to the mike, give us your name and turn your mailing in to the clerk.

Clerk: They are in. They are on the file.

Mr. Capozella: Mailings are in?

Clerk: Yes.

Mr. Capozella: Thank you.

Mr. Lombardi: My name is Frank Lombardi.

Mr. Capozella: Ok and just please describe what you are doing.

Mr. Lombardi: I'm expanding a deck. The current deck was built by the builder when the condo was built. It's 8 by 8 and I'm expanding it to 12 by 16.

Mr. Capozella: Ok, thank you. Mr. Welch?

Mr. Welch: This is at the rear of the building?

Mr. Lombardi: Yes.

Mr. Welch: Ok because you have decks in the front of these buildings also.

Mr. Lombardi: Yes, I realize that. No this is...

Mr. Welch: This is the rear, ok, all right, that's fine.

Mr. Lombardi: Yes, this is the rear.

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

*closed public hearing.*

Mr. Capozella: Any comments or questions from the Board members?

Ms. Hewson: Just a quick question - is there anything that would prevent emergency access for the Fire Department?

Mr. Lombardi: No, no.

Ms. Hewson: Ok.

Mr. Capozella: And we have to ask the standard question, has your Home Owners Association been notified and are you following their rules and regulations and there is nothing against putting in deck, enlarging a deck.

Mr. Lombardi: None that I'm aware of. The deck we are putting up conforms to the size of a number of decks that have been previously built.

Mr. Capozella: We know that, it's a routine question in case something changes along the way we are not aware of.

Mr. Lombardi: There is nothing I'm aware of.

Mr. Capozella: Ok.

On motion of Ms. Hewson and seconded by Mr. Thorn to approve the application of Victoria and Frank Lombardi for a 12' by 16' rear yard deck located at 38 Jordan Lane, Middletown, New York. This is with the approval of the Department of Public Works and Fire Inspector, if necessary.

Roll Call Ayes: Steven Sisco, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

Mr. Capozella: Thank you very much. Check with Mr. Welch before you start any work.

Mr. Lombardi: Thank you.

**Complete Auto Recovery Services, Inc.**  
**13-15 School Street**  
**an auto repair shop**

Mr. Johnson: Good evening, Ernie Johnson, land surveyor.

Mr. Capozella: Ok.

Mr. Matuszewski: Shawn Matuszewski, president of the Complete Auto Recovery.

Mr. Capozella: I know gentlemen this is your second go around. We have public hearing still open so before we continue is anybody from public who wish to speak on this application?

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

Mr. Naumchik: I know we discussed your new plan which I see in front of us. The only thing... one of my concerns is the amount of cars that are gonna be on here at one time. There are no parking spaces for them to stay or park.

Mr. Matuszewski: Yes, it's hard to mark it out. We have a tree line on there now so what we originally intended, I think we had 2 dozen on there originally ...

Mr. Naumchik: 24 cars?

Mr. Matuszewski: I think, yes, but it's cut down now. I don't remember the original site plan it was.

Mr. Capozella: The original site plan I don't believe had cars on it.

Mr. Naumchik: No.

Mr. Matuszewski: What we have there now with the tree there isn't two dozen at a time anyway. There's gravel, I really can't mark it out since it's a gravel lot.

Mr. Capozella: No, you are correct. You can't mark it out but someone could have laid it out for you on the typical parking spaces even though you couldn't lay it out it would give us an idea how many cars you expect to have on the lot.

Mr. Matuszewski: Yes, the lot is only 3 foot even in spots.

Mr. Naumchik: So how many you...?

Mr. Matuszewski: I'm looking at a dozen cars. I mean as residents said, people from neighborhood, if it's anything that's going to be like an eye sore outside we'll

go with the inside storage. I can hold 4 cars inside the building.

Mr. Capozella: So we are talking about 12 cars on the lot, outside.

Mr. Matuszewski: Yes, outside, yes. Like I can fit a couple of my trucks in the building so I don't have to worry about them being on the lot.

Mr. Naumchik: So the trucks will be inside?

Mr. Matuszewski: Yes, I can keep trucks in.

Mr. Naumchik: Ok. Now, those cars that you are going to be detailing those are going to be cars that are gonna be licensed place cars?

Mr. Matuszewski: Yes, they might not have plates on them ...

Mr. Naumchik: They will be new cars.

Mr. Matuszewski: Yes.

Mr. Naumchik: So there won't be concern with leaking any oil or leaking any fluids or anything?

Mr. Matuszewski: No. It will be mostly transfer stuff, repossessions; it's not gonna be totals or anything like that.

Mr. Naumchik: So the cars will be there, you will detail them and then somebody is going to pick them up and take them away?

Mr. Matuszewski: Yes.

Mr. Naumchik: Ok. Because this will be checked by the City inspectors to make sure by the resolution, whatever we do to make sure...

Mr. Matuszewski: Yes.

Mr. Naumchik: Now, going in and out of the lot that you are going into is ... I don't see that.

Mr. Matuszewski: It's a concrete driveway.

Mr. Capozella: There was no curb cut specifically put on this plan.

Mr. Naumchik: Yes and where they are going in and out from the street.

Mr. Matuszewski: Ok.

Mr. Naumchik: Right, Walter? Where it would be? Is it going to be School Street?

Mr. Matuszewski: Yes.

Mr. Welch: This is a one way street.

Mr. Naumchik: So where would they be going in and out?

Mr. Welch: This is office right there.

Mr. Naumchik: Is there enough space between there for two cars to get in and out?

Mr. Welch: The driveway is there.

Mr. Capozella: It's a new concrete driveway.

Mr. Johnson: Right, yes, that leads right to the garage.

Mr. Naumchik: Is there lighting on here?

Mr. Johnson: Lighting's on that plan.

Mr. Naumchik: There is. And it will be away from any of the homes around there?

Mr. Johnson: It won't bother any of the homes, no.

Mr. Naumchik: And I see you've got some landscaping here, trees that are on this one side. Now which street here is a one way street?

Mr. Matuszewski: Ogden.

Mr. Naumchik: Ogden is the one way street, right?

Mr. Matuszewski: School Street is two-way. We won't use Ogden Street. Ogden Street is not wide enough for my trucks to go down anyway.

Mr. Naumchik: And how many trucks are gonna to be going in and out?

Mr. Matuszewski: Probably 2 trucks stationed out of there.

Mr. Naumchik: How many times?

Mr. Matuszewski: I don't know, I can't answer that, it could be 5 times, it could be 100 times, I don't know.

Mr. Naumchik: My biggest concern is that where are the cars going to be? That's my concern.

Mr. Capozella: Yes but I have a suggestion. When we get to the end if anybody else has any comments or questions I just want to throw this out there, I'm preparing a resolution or at least some parts of it here so just so we capture what the Board is thinking about and it's going to be 12 cars on the lot, your company vehicles will be kept inside, there will be no auto repair, no auto body work, no engine repairs, that's what you stated last time, there will be no commercial traffic going down Ogden Street whatsoever related to this business, your business, no commercial traffic because we've discovered... Corporation Counsel discovered that School Street in that area where you are is a two-way street. So the DPW will remove the sign that says "Do Not Enter" and put it in a proper place. So you will enter off the Montgomery onto School and all your traffic will come not in the residential area.

Mr. Matuszewski: Yes.

Mr. Capozella: Ok and that will be a part of the resolution. I'm just stating it so that we make sure we are all on the same page. We also will require an updated plan. What you've given us is a start, the trees aren't completed, we know they are but it's not on the plan, the curb cut, driveway is not truly designated on the plan because what's going to happen here is our inspector will come around and use this plan to make sure that you have met the requirements of the Planning Board and if it says 12 cars he is going to count your cars so we just want to make sure for all of our sakes when we pass this resolution that we are all on the same page and there are no surprises to anybody. It's your business and you want to operate it properly.

Mr. Matuszewski: Absolutely.

Mr. Capozella: So that being said that's what I'm going to put in the resolution. If anybody has any other comments or suggestions from the Board, please speak up.

Ms. Hewson: The hours of operation are still 8 to 5 Monday to Saturday?

Mr. Matuszewski: Yes.

Mr. Capozella: Thank you, I forgot that.

Mr. Sisco: When you are referring to trucks are you referring to flat beds or tow trucks?

Mr. Matuszewski: Yes, exactly. It will be one of each.

Mr. Sisco: Now, what are you going to be towing in if these are customers coming in for work, you know you are going to be doing customers, right?

Mr. Matuszewski: No these cars they are auction cars so we do not have retail customers coming in.

Mr. Sisco: So it is sales? It's going to be for sales?

Mr. Matuszewski: No, we are not selling there. These go to auction.

Mr. Sisco: You bring auction cars in but you are not selling.

Mr. Matuszewski: They will be picked up. These are the cars that are repossessed or re-pawned or repossessed, reclaimed by the County.

Ms. Hewson: He's preparing them for auction not finds them from the auction.

Mr. Matuszewski: No, we don't buy them from the auction, we bring, move them for the auctions.

Mr. Capozella: They prepare them for auctions.

Mr. Naumchik: Yes. So there are not going to be any customers coming in, so it's not retail.

Mr. Matuszewski: No.

Mr. Capozella: So we are talking about detailing only, which is cleaning and prepping them for resale.

Mr. Matuszewski: Yes, no paint, no repair.

Mr. Capozella: Ok, any other questions from the Board? Sorry, I'm just writing notes.

Mr. Naumchik: One more thing for the record too- the EAF, short form EAF has been completed.

Mr. Capozella: The question was asked do we have to declare lead agency and I don't believe so.

Mr. Naumchik: No.

Mr. Capozella: Any other questions or comments from the Board? (*no one came forward*) I will try to put this in a form of resolution, correct me if I get this incorrect. On the applicant Complete Auto Recovery Services, Inc. at 13-15 School Street. Property will have 12 cars maximum on the property at any one time, company vehicles will be kept inside of the structures, there will be no auto repair, no auto body work, no engine repair, this is for detailing only, preparing for resale for auctions, there will be no commercial traffic on Ogden Street whatsoever that relates to this business, DPW will relocate the signage and School Street will be a 2-way street at that area and all your traffic will come off Montgomery and School Street and vice versa.

Mr. Matuszewski: School Street has been a two-way, right prior to this?

Mr. Capozella: School Street?

Mr. Matuszewski: Yes, has been two-way, right?

Mr. Welch: It's still a two-way.

Mr. Matuszewski: Yes, but you were talking about taking the sign away.

Mr. Capozella: Take the sign down to make it official.

Mr. Welch: They change the sign so that it goes to Ogden Street so it's a one way on Ogden Street so nobody goes up School Street not to Ogden.

Mr. Matuszewski: Understood, I want to make sure I understand it.

Mr. Capozella: It's to your benefit.

Mr. Matuszewski: Yes, thank you.

Mr. Capozella: No problem. And the hours of operation will be 8AM to 5PM Monday through Saturday. The Board is also requesting an updated plan with all these items that we have stated that are not on the plan presently. And as always it's contingent on the DPW approval and Middletown Fire Department approval if necessary for the structures. I need a motion. Ms. Hewson, second Mr. Thorn.

Roll Call Ayes: Steven Sisco, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

Mr. Capozella: So please make sure you get hold of Mr. Welch as you do work on your property and before you do any more work make sure you get an updated plan to him so he knows what's going on, ok? Thank you.

Mr. Matuszewski: Ok, thank you.

**Sobo & Sobo Holdings, LLC  
1 Dolson Avenue and 3, 5, 7 Byron Avenue  
an addition to the existing office building**

Mr. Sobo: Yes, Gary Sobo for Sobo and Sobo; I'd like to hand over to Martina our proof of mailing. I believe you have our plans and then I confused you I'm sure by giving you two other sheets of paper after that and that will show the parking plan. The first larger one we have acquired two additional tax lots and it shows 14 additional spaces, however we are going to take out approximately 5 spaces for the building of the old lot.

Mr. Capozella: Now, you do know, it's been brought to our attention, that there needs to be a lot line change on the property before you can do any work or before we can do an approval.

Mr. Sobo: Yes.

Mr. Capozella: Ok, so if this is going to be like a preliminary, if you want to just tell us what you are doing that's fine but this evening we'll have to adjourn for further consideration until you bring the lot line change to the Common Council.

Mr. Sobo: Ok, I will see the assessor about the lot line change. We are obviously

going to combine all of the lots that we own which are not combined into one parcel. But I'd like to answer any questions you have.

Mr. Capozella: That's fine, we can do that this evening.

Mr. Sobo: Ok. I believe at the end we will have approximately 45 to 48 spaces, parking spaces. If there are any questions, I'll entertain them.

Mr. Capozella: At the preliminary do I have to open public hearing? I don't think I have to do it for preliminary hearing, do I?

Mr. Naumchik: You can't do public hearing.

Mr. Welch: It's preliminary.

Mr. Capozella: Sorry, so I have to open the questions for the Board. I did have one question while they are looking at the plans.

Mr. Sobo: Sure.

Mr. Capozella: This will meet the parking requirements right, once the lot line will change?

Mr. Welch: Yes.

Mr. Capozella: Yes right? Ok.

Mr. Welch: Yes.

Mr. Naumchik: Is there more than what there is required or...

Mr. Welch: They are going to have more parking spaces than what's required.

Mr. Naumchik: And I understand that our engineer has these plans too.

Mr. Sobo: Yes, I believe so and Mr. Welch has seen them.

Mr. Naumchik: And we haven't heard anything back from Gef Chumard?

Clerk: No.

Mr. Capozella: I'm going to ask you a question because someone from the public

has a question can we entertain that? No. You'll have to wait till next time around sir, we open the public hearing and then obviously you can participate at that point in time.

Mr. Fengya: Ok. Just one thing, are the maps available? I'm the adjacent owner, I own 1 ½ Dolson Avenue, Mr. Fengya, so I was wondering is the plans available to be able to review them and look at them in the interim? Could Mr. Sobo provide me a copy or something so I know what's going on?

Mr. Sobo: Sure, we can...

Mr. Capozella: You can talk to Mr. Sobo on the side in personal conversation, it's fine and I'm sure Mr. Sobo will.

Mr. Fengya: All right.

Mr. Sobo: Absolutely.

Mr. Thorn: The extension of the building is just an extension of your offices; there are no new operations or anything in there?

Mr. Sobo: Oh no, no it's only going to be a law office space.

Mr. Naumchik: How much space is being added on?

Mr. Sobo: About I think 1,920 square feet.

Mr. Welch: It's a two story structure.

Mr. Sobo: Two story structure, correct.

Mr. Naumchik: The parking lots are going to have lights?

Mr. Sobo: We have lights now on the building shining out that way.

Mr. Naumchik: Out that way but not in the parking lot.

Mr. Sobo: Not in the parking lot itself, no.

Mr. Naumchik: Are they going to be shining towards any of the neighbors' houses or anything around the area?

Mr. Sobo: No, absolutely not.

Mr. Naumchik: You make sure of that?

Mr. Sobo: Yes.

Mr. Naumchik: Any new landscaping is going to be done?

Mr. Sobo: Let's see what we shown on the plan. Yes, we will have to landscape around the new portion of the building; we'll have to take out some of the old landscaping. I don't believe that that is shown on this plan. No it's not.

Mr. Naumchik: It's not?

Mr. Sobo: No but we will.

Mr. Naumchik: I'm sure the engineer will...

Mr. Sobo: We'll have landscaping that conforms to what we've got there now.

Mr. Naumchik: Are the parking lots going to be paved?

Mr. Sobo: They are paved.

Mr. Naumchik: They are paved already.

Mr. Sobo: We have not put the lines on pending our approval first.

Mr. Naumchik: Are you putting any drainage systems in for storm water runoff?

Mr. Sobo: No, we are not. We simply paved the lots.

Mr. Naumchik: Did you do EAF?

Mr. Sobo: No.

Mr. Naumchik: The short form?

Mr. Sobo: I did the short form, yes.

Mr. Naumchik: Does Gef have that Martina?

Clerk: I believe so.

Mr. Thorn: I think this will be in the engineering review because he will have comments on anything regarding the paving because there might be storm water issues that will have to be addressed and the engineer will take care of that.

Mr. Naumchik: That's what my concern was.

Mr. Capozella: Martina, do you know if Gef has received this set of plans for the review?

Clerk: I believe so but I haven't heard from him back.

Mr. Capozella: Ok, we'll check with him.

Mr. Naumchik: Are you doing any fencing?

Mr. Sobo: We have not planned on it, no.

Mr. Naumchik: You didn't think it was needed?

Mr. Sobo: No.

Mr. Naumchik: No?

Mr. Naumchik: Are you increasing the amount of employees then?

Mr. Sobo: Yes, we are. They are coming in September.

Mr. Naumchik: Are they going to be parking in the separate lot, in the separate area?

Mr. Sobo: Everybody uses the entire thing.

Mr. Naumchik: You probably don't have that much traffic coming in anyway. Its mostly employees.

Mr. Sobo: That's correct, yes.

Mr. Naumchik: And your hours of operation are not going to change?

Mr. Sobo: Not at all.

Mr. Capozella: Any other questions?

Mr. Naumchik: Gef will look at all the curb cuts and make sure that...

Mr. Capozella: Yes, you have a full set of plans. We didn't get that. All we got was parking plan.

Mr. Sobo: Oh, you don't have the plans for the building?

Mr. Capozella: I didn't get those.

Mr. Sobo: I left at least 8 of them.

Mr. Welch: What?

Clerk: Remember, the additional that we were supposed to distribute? I gave one to John and delivered it to Steve.

Mr. Welch: I put it in your mailbox myself the other day.

Mr. Capozella: I've got one sheet, these guys have a roll of plans.

Mr. Welch: Whatever Martina gave me I ...

Mr. Sobo: All you have is a parking plan I can see that. This is I think 4 sheets. Building plans...

Mr. Capozella: It doesn't matter. The issue is that our engineer will review, come back with comments and we'll go from there.

Mr. Welch: Even the stuff that he brought in after it was after the fact anyway because the meeting would have been done and over with so...

Mr. Capozella: All right. Any other questions from the Board? (*No one came forward*)

On motion of Mr. Thorn and seconded by Ms. Hewson to adjourn for future consideration application of Sobo & Sobo Holdings, LLC for an addition to the existing office building located at 1 Dolson Avenue and 3, 5, 7 Byron Avenue.

Roll Call Ayes: Steven Sisco, Paul Thorn, Nicole Hewson, Anthony Capozella, John Naumchik.

Mr. Capozella: Mr. Sobo will go to the Common Council for the lot line change and we'll see you again.

Mr. Sobo: Thank you very much.

Mr. Naumchik: Mr. Sobo, when you see the assessor she is probably going to send you down to my office, the City Clerk because you will have to go to Common Council to do the lot line change and subdivision so I have the forms down there for you.

Mr. Sobo: Ok, see you soon. Thank you.

**Johnston Subaru – preliminary hearing only**  
**2-8 James P. Kelly Way**  
**10, 12-14 County Highway 78**  
**Public Garage and Motor Vehicles Sales**

Attendees: Justin Dates, Maser Consulting, P. A. – consulting engineers for the project  
Steve Jardine, the applicant  
John Cappello (Jacobowitz and Gubits, LLP) project attorney  
Stosh Zemonsky (Anderson Design Group) project architect

Mr. Dates presented the project (see narrative summary dated April 4, 2017; MC Project No.14000099B)

Mr. Naumchik pointed out a lot line change requirement on Middletown portion of the project.

Stosh Zemonsky presented details about the existing building and an addition of 26 feet tall front building.

Mr. Thorn initiated discussion about a traffic study (traffic study not completed at the time of the meeting).

Mr. Cappello spoke about inter-municipal aspect of the project and brought up that Town of Wawayanda expressed interest in being a Lead Agency. He also spoke about individual SEQRA determinations and a need of collaboration between City

of Middletown and Town of Wawayanda Planning Boards. He suggested that a joint meeting should take place to discuss the project. He stated that they will reach out to Mr. Chumard and Mr. Tawil to coordinate a meeting regarding traffic study and storm water management issues.

On the consent of the applicant Mr. Capozella adjourned the application for future consideration.

Adjourned 8:30PM

Respectfully Submitted,

*Martina Fu, Clerk*