

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

June 07, 2017

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

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

Members Absent: None

Other Attendees: Alex Smith, Assistant Corporation Counsel, Walter Welch, Building Inspector, Gef Chumard, Planning Board engineer.

The Pledge of Allegiance was said.

Mr. Capozella: Before we start our agenda this evening we are going to deviate just a little bit. The Planning Board plans on saying a few words for our Chairman, Larry Risdal, who is stepping away from the Planning Board so just bear with us, we appreciate it and we'd like to start with Ms. Hewson – ladies first.

Ms. Hewson: Dear Chairman Risdal, your 20 years of dedicated service and commitment to the City of Middletown have been the ultimate exercise in democracy. As philanthropist Margery Moore once said, you vote in elections once a year but when you volunteer you vote every day about the kind of the community you want to live in. Your involvement and dedication to our community have made a difference. As a beloved retired history teacher your love for the U.S. constitution and knowledge of our country's greatest living document which is the basis of all laws made for some excellent training sessions over the years. These sessions both refreshed and reminded everyone here of the oath each of us takes when we are sworn into public office. Your lessons also helped us gained a better understanding during the process of completing the City's Master Plan. A proud memory that I will always have of you as our Chairman is your patriotism and devotion to our country. You started each and every meeting by saluting the flag and reciting the Pledge of Allegiance, a tradition that has been continued by our acting chairman, Mr. Capozella. Winston Churchill once said, w make a living by what we get and we make a life by what we give. Your 20 years of service to the

City of Middletown will be long remembered and gratefully appreciated. I will close by quoting my favorite U.S. President, Thomas Jefferson: “In matters of style, swim the current; in matters of principle, stand like a rock.” Thank you for standing like a rock in our community and as my friend.

Mr. Naumchik: I had the pleasure of knowing Larry as being a senior member of the Planning Board for 13 years. But before that we've done a couple campaigns together and had a great time and that's where I really got to know Larry Risdal and my very good friend. He always had a great attitude and especially for Middletown since he's been here very long time, I won't say how long, but he always knows, he knows the town, he knows the town, he knows everybody, everybody comes to him, always says hello, always a great person, he, again like Nicole said, was a teacher which I thought was a great mix for what he was as the Chairman of the Planning Board because he always knew how to communicate with people and tell them exactly what we needed in a very good and nice way. Larry should be very proud for all the projects that we did for all your input on all the major projects and because of you there are some great projects out there; a lot of them are your ideas and I know one of them also thank you for all your extra time that you gave to the Planning Board especially the time at home and when you would come to City Hall for extra meetings with Jacob or with the applicants, it made a big impact on all of us, especially me, everything that you did and again thank you so much for all your hard work and also being my friend. Thank you.

Mr. Higbie: Well, I've been lucky enough to call Mr. Risdal... I met Mr. Risdal when I was in Junior high school and friends with his daughter so I have a hard time referring to him as Larry but I'm honored to know you for more than 30 years. No one in the City has the love of the City like Larry does. Larry has an absolute love and dedication for the City of Middletown and it showed every day and every meeting and everything with the Planning Board. He's given countless hours of his time to the City, volunteering as Chairman and we are so lucky to have had you for all these years. I'm honored to call you my friend and I know that that will not end and thank you.

Mr. Thorn: Larry, I just want to say thank you for your years of service. You were the first person I've met on the Board 8 years ago when I started sitting on the Board and I'd like to echo everything everybody said. It's been great to have you as a friend and a mentor to learn from. One thing I'll always remember is how much you know about not just where the City is going in the plans that we make but where we've been and I don't think that we can be effective on the Board without knowing where we've been and it's always been great to have your input on the City and its history. So I really appreciate it and I want to say thanks.

Mr. Sisco: Larry, you've been a real civil servant serving the best interest of the residents of the City. Your knowledge and demeanor as chairman of the Planning Board gained you respect of the Board members and the people coming before the Board. You are fair-minded and based your decisions on the city codes and protocols without prejudice and on the personal note you were an ideal person for the chairmanship for all those years. I appreciate you gave me the opportunity; I'm on my second tour after interruption and you've been a dedicated teacher and a great neighbor back on **Newport** Avenue and you are respected by all with whom you came in contact with. I've always admired you and respected your hard work and dedication to the City, you've been an inspiration to the community and your leadership is simply the best ever. A grateful community can only say thank you.

Mr. Chumard: Yes, Larry is not only a good friend; he's a good and great friend. I've been happy to know him for many years. He has remarkable sensitivity and insight which serves him well and makes him a very nice guy. But a nice guy is not enough, he's nobody's fool. He has an insight and savvy and I'm always impressed how quickly he can size up a situation or a person or Planning Board applicant and arrive at a correct conclusion. Those qualities and his dedication are the reason that this Planning Board and the City of Middletown have been so well served for so many years. Just a quick example that I recall Larry and his friendship and his insight: Six years ago we had a medical emergency and my wife was down in the Westchester Medical Center. I went down and I was taking care of all the paperwork, admission and signing release forms, meeting with the doctors and signing their release forms and calling family and friends and what not and I called Larry and I was ready to leave and go home, I couldn't do anything more until next morning and I had not slept for about 36 hours so I talked with Larry a little bit and then I left and I'm driving up the Westchester highway and my cell phone rings. And it's Larry. "How are you doing?" Ok, you know I've talked to him for a couple of minutes and I'm driving across the Tappan zee Bridge and up to throughway, phone rings again and it's Larry-"How are you doing?" Well, ok. And he might have called third time I just don't recall. And I talked to Larry couple of days later and he said I could tell from the sound of your voice you were really tired and I just kept calling you and calling you to see that you were all right and make sure you weren't falling asleep on a road. Now, that is a friend! And I look forward to Larry's continued friendship and breakfasts together where we solve big problems of the world. Thank you Larry.

Mr. Welch: Well, we go back about 14 years, Larry. Not much more I can say, I'm not a good speaker like the rest of them are but I'm gonna miss you but I'll stop and see you at the house and I'll see you at the church too. I'm gonna miss you.

Mr. Smith: Larry, I didn't even know you are going to be here tonight so I didn't have anything prepared but I want to tell you it's been a pleasure working for you all these years. You and I've been here with this Board for at least 20 years. Nobody's older except Walter. I just want to mention that you have a record that probably any Planning Board Chairman in New York State would be proud of because in all the years that you've been in charge here nobody has ever successfully sued Middletown Planning Board. So good luck to you.

Mr. Capozella: Larry had served as a member and chairman of the City of Middletown Planning Board for 20 years. It's amazing. I've had the pleasure of serving 9 years with Mr. Risdal. Mr. Risdal is one of the wisest men I've met. He mixes intelligence, common sense, fairness, knowledge of City codes, knowledge of the law and he listens to all points of view to render enforceable, fair decisions. Mr. Risdal has a firm grasp on where the City of Middletown has been and where the City wishes to be. He'd always stated that the City of Middletown, an old railroad town, has a unique mix of industrial, commercial and residential areas. I believe that Mr. Risdal has instilled in this Planning Board the need to deal with these unique aspects to produce fairness and compromise for all applicants and the neighbors they will affect. That being said, I would like to take this time to thank Larry Risdal for his 20 years of service on the City of Middletown Planning Board. I wish him well, good health and the best in whatever endeavors he wishes to pursue. Thanks Larry.

Mr. Risdal: I kind of look into the back of the room to see if there was anybody here that they were talking about because it's a humbling experience to sit and hear such nice things. I appreciate it very much. When I started this I was... Richie Baum, you may have heard of him, recommended me to the Mayor DeStefano. I didn't know him or anybody. I walked in in 1995 and he said, Mayor says do you want to be on the Planning Commission or do you want to run for an alderman? Well, I decided to... I wanted to be on the Planning Commission and if I run for alderman I wouldn't be around here because what do they allow 8 years or something. So they immediately changed it to a Planning Board and here I am. It's been an absolutely great experience and I'm so proud of everybody who's here, you've done such an outstanding job, work so diligently to see that everything that's done is done correctly and I personally appreciate that very much and I am confident as I leave here tonight that you guys are just doing a great job. Thank you.

Mr. Capozella: Ok Larry, thank you very much and you are welcome back any time Larry, you know that. All right, that being said I'd just like to thank all the applicants tonight and the public again for just being patient for 15 minutes so that

we can say some things to Larry. We appreciate that very much. Thank you.

On motion of Mr. Higbie and seconded by Mr. Thorn to appoint Mr. Capozella the temporary chairman for the June 7, 2017 Planning Board special meeting.

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

Mr. Capozella: Keep in mind if this is your first time here this evening it's considered a preliminary hearing and the Board may or may not act on your application; ok, so just keep that in mind.

On motion of Mr. John Naumchik and seconded by Ms. Nicole Hewson to approve the minutes of May10, 2017 as submitted.

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

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

Mr. Sobo: Good evening once again, Gary Sobo and Greg Sobo; Sobo and Sobo Holdings. And as you have the plans now I hope, second time around, we are looking to add to the office building that we have on Dolson Avenue. We've given you plans of that and a survey map of our parking lot and are there any questions that you have for us.

Mr. Capozella: The only question I plan to address Mr. Chumard's letter that you developed on the plans and have all those issues been addressed.

Mr. Chumard: There were some issues regarding proposed parking lot with the retaining wall and some drainage mitigation. They have taken care of that. My only request is that that be put on a site plan so one plan shows it all. I did mention... we usually ask the applicant to make parking calculations to see if there's enough parking spaces for everyone who is going to be in the building. I raised the question, because I didn't know the answer, the side yard setback distance from Preston Street if it's actually be considered front yard because it's a street or the side yard because the address of the property is Dolson Avenue; I just didn't know. And then also a use of the paper street, Byron Avenue which is the City street shown on the tax map but that's a legal question; I just raised it and I don't know

the answer myself.

Mr. Smith: I think we have a resolution of that. Mr. Sobo has advised me that he has agreed that if the Planning Board approves his application that the condition of the resolution will be that he not park at all on the paper street otherwise the Common Council would have to get involved for the usage of our paper street so we have always been careful not to allow people use it for anything other than ingress and egress and Mr. Sobo has agreed to have that as a condition and I assume that takes away your concern Mr. Chumard.

Mr. Sobo: Thank you.

Mr. Capozella: Ok, and other than that as long as the site plan comes back to Mr. Chumard's agreement, there only seems to be one item and that would be the setback because you are not entirely sure they are ok.

Mr. Chumard: Well, I don't have an answer, I just raised it and that's you know...

Mr. Capozella: Ok.

Mr. Smith: Why don't you address it on the revised site plan and make that a condition on the resolution as well. The site plan has to comply with Middletown setbacks.

Mr. Sobo: Right, well the question that the City engineer raised is whether you consider us on, this addition on Preston Street or on Dolson Avenue. We've obviously already met the setback requirement on Dolson Avenue for the frontage.

Mr. Smith: Well, I'll be happy to sit down and talk to you about that but the condition will be you got to comply with the setback, whatever the ...

Mr. Sobo: We consider that a side yard.

Mr. Smith: Ok, well, we'll see.

Mr. Chumard: It would be like any house or structure on a corner.

Mr. Sobo: Right.

Mr. Chumard: And if the applicant is required to comply with front yard setbacks on both streets or just the one street where the address is?

Mr. Smith: Well, Mr. Welch is an expert in that as well so he'll join our discussion when we have it.

Mr. Capozella: It has to meet the DPW approval regardless, so that could be part of that discussion.

Mr. Sobo: Ok.

Mr. Capozella: I just have one thing; the paper street that's involved is Byron Avenue. Correct?

Mr. Sobo: Correct. And I would say there's only one space on Byron Avenue that's used and it faces a tree so we are going to do away with that space and anybody who wants to go through that tree can go through that tree.

Mr. Capozella: All right. We still have the public hearing open so if anyone from the public wishes to step forward and speak on this, please come forward.

Mr. Fengya: Good evening. My name is Edward V. Fengya, I'm Mr. Sobo's neighbor and I own 1 ½ Dolson Avenue. Now, the Byron Avenue lots; I inquired quite a long time ago about them and I was told it was my understanding from prior building inspector, prior assessor and other people that Byron Avenue in that area was a dump. There were things dumped in that area which go back to before my lifetime. I called the DEC about it; they only keep records to 1980. If you take a walk or stroll back along Preston Street to the back woods there's garbage coming up through the back. Number of years ago there was a hearing before the Planning Board and Common Council about the development of these lots to be storage areas and people came up with the same... almost the same as I'm saying to you now. My concern is that Mr. Sobo has built the tower and the City has allowed it. It's out of character for the neighborhood, although it's tastefully done, it's well kept, I'm right next to it, there is hardly any privacy anymore. If you were to allow him to build the way I looked at the plans or proposals, it will be L-shaped and it will be in my rear yard. Some of his windows I was thinking that 10-foot buffer is not enough, that there should be some greenery, some trees put in the area wherever you allow him to build. On Preston Street Mr. Sobo has a side row parking lot and the side row parking lot perhaps maybe could be utilized to build this 1st and 2nd story of the addition with the portion going back, connecting to the side of the building and going back. That's just my theory. The second thing is that the Byron Avenue lots face the paper street. Now, if you would have built on the Byron Avenue lots your frontage would be on Byron Avenue and then you would have a rear yard I would presume; that's how Dolson Avenue is and some of the

other areas, we all have rear yards so we have some privacy to use our yard and so on and so forth. The other thing concerning to me is that Byron Avenue is... these lots are tax assessed as a yard, unusable, non-buildable lots is what I was told. Otherwise I would have bought them years ago. It was offered to me and I didn't buy them, I didn't want the extra maintenance and so on and so forth however they are taxed at very minimal amounts of money. If you allow Mr. Sobo to build the addition, is he going to pay full tax on the building and the lots as parking lot and an additional building or are we going to have abatements for the next 20 years on the additions? It's a concern. If you are going to allow him to build I would ask that a suggestion would be made that the DEC would be a lead agency for SEQRA so that they can actually do ground testing and see if there is any contamination in the Byron Avenue area. Of course the cheese factory is coming along on Bennett Street so that part of Byron Avenue, I've got notice on that from the paper. I'm concerned with the drainage and flooding issues, parking lights during the day they don't effect but at night bright lights and everything else, the rear yard, it affects my building and me specifically if you allow him to build an L-shape, his building's going towards Preston lengthwise to Byron Avenue, you'll allow him to build an L he's going to face right in my back yard and you can look into my windows, I have to keep my blinds somewhat closed now, do I have to seal them up completely is the next question. The assessment versus the cost of the building or the lots... He purchased the lots, I looked it up online, I've got the print outs roughly about \$58,000 more or less, approximately and once again it's tax concerns but you are building a building that's out of character for the neighborhood even though it's a corner lot. It's a mixed business area, it's residential and it's small business and I really think that Planning Board seriously consider that aspect of it and if you allow him to build, Mr. Sobo does have a side row parking lot as I reiterate. The other thing is that with regard to this building, if the Planning Board allows him to build I would hope that these are lawyers that are actually part of Sobo & Sobo and that these are not sublet rentals for additional income to the law firm of Sabo & Sobo. I don't know if it is or isn't but I'm just bringing that to your attention because that effect the assessment as well.

Mr. Smith: Sir, the Planning Board can't get involved in assessment issues.

Mr. Fengya: I realize, I know.

Mr. Smith: That really is ... all these assessment issues is something for the Assessor. Planning Board doesn't make decisions based on what's going to be an assessment or not the assessment.

Mr. Fengya: I understand but my suggestion is that the Byron Avenue lots,

whatever to be developed should be environmentally checked for contamination or not and that perhaps maybe in alteration or reconsideration of the conformity of Mr. Sobo's building as he has in plans be changed so that it doesn't affect my lot or my home on Dolson Avenue next to him. And pretty much plumbing and sewer issues I noticed that on his plans he is asking for couple of bathrooms or at least one in the building and how would that be attained connecting to his preexisting condition of his house that he has there now or is he going to put an additional septic and water lines on Preston Street and sewage and so on and so forth. These are concerns I have and I would ask you to seriously consider that. Even though that the building is well kept and so on and so forth I was unable to come to the prior hearings because my health and physical condition was such that I couldn't come here to express my personal concerns but one other concern I have is that if you do allow him to build again this addition then is he going to build next two on top and then make another two additions and then it definitely would be out of character for the neighborhood. Thank you.

Mr. Greg Sobo: I thank Mr. Fengya for his concerns and we will take those under advisement. We are proud of our building. I guess the first thing I would say is we obviously do not feel that the character of the building we do think that it will be in conformity with the neighborhood. It's walking distance from 41 and 45 Dolson Avenue which is a building much larger than the building that is ours. If you are all familiar with Dolson Avenue and our building you know that there's large commercial stores on either side, there is Rite Aid, there is Shoprite, much larger buildings right within the walking distance of ours. As far as any contamination concerns, we did have our contractor dig and pave and when my father saw Mr. Fengya here last time Mr. Fengya was kind enough to share that concern. He did look into that issue and at least didn't see any issues of contamination so far as I've been in the building I have not seen any garbage coming up certainly in the back or I would have negotiated a better price on those lots, you better believe that. And as far as the privacy issue already our building encompasses the whole side of Mr. Fengya's building so I don't believe that the addition which is only really a story and a half high because the first floor would be under ground will give us any further advantage point into his windows and create any further privacy concerns. So I would just address those in that way and to the extent that he is concerned about certainly a landscaping we'll have a professional landscaper certainly after this construction is done and employ a very nice look certainly that abuts the two properties.

Mr. Gary Sobo: The other thing that I would point out is that this addition is not going to go in the back of his building. It's going to go in the back about half of his driveway and then the building is after that.

Mr. Smith: Do you have a problem putting in greenery as was suggested?

Mr. Gary Sobo: It's already paved.

Mr. Smith: Oh, I mean in between the buildings.

Mr. Greg Sobo: I think there will be an appropriate landscaping there. I'm hesitant to say without speaking with the landscaper yet about what exactly we'll put in but I certainly know it's important to me that the building looks nice on all sides.

Mr. Smith: Gef, do you see any SEQRA issues regarding contamination of the area behind the street?

Mr. Chumard: No, he is not building in that area, he has only paved that area.

Mr. Capozella: He has encapsulated it.

Mr. Gary Sobo: Yes.

Mr. Chumard: And we did raise drainage issue which I consider a minor point but the fact that you have a new pavement in the area that was previously grass. He has addressed that with a mitigation measure so I don't see that problem. So I mean you can always request Phase 1 environmental study but it doesn't appear that where he is building and redeveloping there's gonna be disturbance of any hazardous materials if there are such there.

Mr. Greg Sobo: Sir, I can provide an affidavit from the contractor who did the paving as well who did some digging to indicate that there were no issues that he saw if it pleases the Board.

Ms. Hewson: When was the paving done?

Mr. Greg Sobo: Very recently that last...

Mr. Gary Sobo: I'd say about 3 weeks ago.

Mr. Greg Sobo: Yes, within the last 4 weeks, yes.

Ms. Hewson: Ok and when did you speak with Mr. Fengya?

Mr. Greg Sobo: I didn't, my father did...

Mr. Gary Sobo: The last time we were here at the meeting which was 5 or 6 weeks ago.

Ms. Hewson: Ok. I just noticed that #19 on the SEQRA is checked “No” for solid waste management in the previous year so maybe you didn’t have knowledge of it but Mr. Fengya obviously brought it to your attention then.

Mr. Gary Sobo: Yes.

Ms. Hewson: So it’s checked “no” but...

Mr. Thorn: There would have to be some kind of documented solid waste situation such as a landfill.

Mr. Gary Sobo: I would still say that I don’t know of any.

Mr. Thorn: There’s no documentation of it. I mean it’s kind of a hearsay situation.

Mr. Gary Sobo: Right.

Ms. Heson: And you don’t feel a long form is necessary, Mr. Chumard?

Mr. Chumard: Not unless some evidence resurfaces and none has.

Ms. Hewson: Ok.

Mr. Chumard: And it’s not a situation where they are building in an area that you know, might or might not be contaminated if there is such. The area that they are paving is not that lower area in my view, that has been dumping ground and it’s kind of a back lawn area and little bit elevated above that other area.

Mr. Smith: They’ve submitted a SEQRA form. Do you have any problem with the Planning Board issuing a Negative Declaration here?

Mr. Chumard: No.

Mr. Naumchik: One question about the lighting too that gentleman was talking about. Are you adding any extra lighting?

Mr. Greg Sobo: Not exterior lighting. Oh and the attorneys are all ... the employees are all ours so there won’t be that sublet issue as well. But there were

no plans for exterior lighting certainly facing Mr. Fengya's building. There could be some facing the opposite direction so the parking lot is lit for safety.

Mr. Higbie: Ok so they will be pointed down and...

Mr. Gary Sobo: Out the other way.

Mr. Greg Sobo: Down and out in the opposite direction exactly, Mr. Higbie, yes.

Mr. Higbie: And obviously it's a municipal order, municipal...

Mr. Greg Sobo: Yes.⁵

Mr. Higbie: Yes, I'm sure.

Mr. Capozella: And I believe the Board asked... the one question last meeting that we asked Mr. Sobo if he was going to expand for his personal lawyers and he did comment that the lawyers will be employed by him.

Mr. Greg Sobo: Certainly.

Mr. Gary Sobo: Absolutely.

Mr. Greg Sobo: And paralegals and staff will all be Sobo & Sobo employees, yes.

Mr. Capozella: Ok, excellent. Public hearing is still open if anyone wishes to step forward and make comments.

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

Mr. Capozella: And I open it up to the Planning Board for any comments they have.

Mr. Higbie: Just out of curiosity, you probably gonna have the same hours of operation, right? I mean you are not...

Mr. Gary Sobo: Oh sure.

Mr. Higbie: Nothing changing.

Mr. Gary Sobo: It's a law office.

Mr. Higbie: Yes, ok. I figured but I just... for the neighbors.

Mr. Capozella: Actually I'll go through it again in the resolution so that we get it on record so there's no guessing. Just, since that question came up, what are your normal hours of operation?

Mr. Gary Sobo: 7 to 7 roughly. I usually get there at 7 in the morning, my last secretary leaves about 7 at night but that's you know very few people are there either at 7 in the morning or 7 in the evening.

Mr. Capozella: Is that Monday through Saturday?

Mr. Gary Sobo: That's Monday through Friday.

Mr. Capozella: Ok.

Mr. Greg Sobo: Saturday I take over because I'm there on Saturdays as well and we do have a skeleton crew there for clients that's about 9 to 5 on Saturday and Sunday we are closed.

Mr. Capozella: Ok, that's fine we just put it down for the record.

Mr. Greg Sobo: Even though I might be there on Sunday but that's another story.

Ms. Hewson: What kind of greenery are you thinking? I just want to make sure we keep the neighbors happy as well. It's tough to have both residential and commercial bordering up against each other.

Mr. Greg Sobo: Certainly if you are familiar with our buildings we want to keep it consistent with the landscaping we've done so far. So it would be... I don't know the names of the shrubs or the trees but it would be similar style to what we have. We would certainly run it along the building and there would be at least a buffer of 3 feet I would think for a lot of the greenery.

Ms. Hewson: Thank you.

Mr. Capozella: Any other questions from the Board?

There were no further questions from the Board.

Mr. Capozella: Ok, so we need to do Negative Declaration first?

Mr. Smith: Yes. Resolution that the Planning Board in its capacity as Lead Agency has reviewed the SEQRA forms as per the comments from our engineer is prepared to issue a negative declaration under the part of the State Code that involves SEQRA regulations.

Mr. Capozella: Ok. I need a motion.

A motion was made by Mr. Thorn and seconded by Mr. Higbie.

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

Mr. Capozella: Moving forward then resolution to approve Sobo and Sobo on One Dolson Avenue. Of course it will be contingent on DPW review to make sure all the items mentioned are in line which would be anything that Mr. Chumard has addressed. Side yard setbacks, the paper street, it's been agreed that there will be no parking on the paper street itself which is known as Byron Avenue. The hours of operation are 7AM to 7PM Monday through Friday and 9AM-5PM Saturday. Appropriate landscaping is to be added to the property and the final site plan to be submitted with the approval of Mr. Chumard.

A motion was made by Mr. Higbie and seconded by Mr. Naumchik to accept the above resolution for Sobo and Sobo Holdings, LLC.

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

Mr. Capozella: Please see DPW, Mr. Welch and anybody associated that need to review your plan.

Mr. Gary Sobo: Thank you very much. We appreciate it.

Mr. Greg Sobo: Thank you very much. Thank you.

Besnik Fetoski
66 Bennett Street
Dairy product manufacturing

Mr. Capozella: Do you have proof of your mailing, sir?

Mr. Fetoski: Yes.

Mr. Capozella: Can you give it to the clerk?

(Mr. Fetoski handed in mailing)

Mr. Capozella: If you would sir, just please explain briefly what you are trying to do.

Mr. Fetoski: We are trying to open up cheese processing plant, like a small plant; it's not going to be a big plant and we are planning to manufacture different type of cheeses there so in general we are planning to employ starting with 12 people, year 1 and grow up to about 50 people in 5 years. That will bring to the community about \$400,000 a year for first year and about 1.6 million in five years, within five years. Also that will create about 275 to 300 jobs in the area and of course that comes from the need for milk, transportation and different side businesses. So simply and in a short way that would be the explanation. If you have any questions I can answer.

Mr. Smith: I mean you didn't submit a site plan. Are you going to do anything... I understand the building is already there; you are going to be making changes inside of the building. Are you doing anything on the outside? Are you changing parking configurations or anything like that?

Mr. Fetoski: Well, I did submit some plans like you know we need a small extension at the end of the building and Martina, she'll have the details for that.

Clerk: Everybody has it, yes.

Mr. Capozella: There is no site plan so to speak but ...

Mr. Smith: I mean I see what you submitted, there is an extension but are you going to have parking? Are you doing anything with the exterior of the building?

Mr. Fetoski: Yes, we will have to do that and we will have engineering team that will do the plan if approved of course.

Mr. Smith: We will need a site plan then.

Mr. Fetoski: You need a site plan first?

Mr. Smith: Yes.

Mr. Capozella: Oh yes.

Mr. Smith: My next question is, Gef, I don't know how worried you are about this manufacturing process. I certainly think we are going to need some sort of SEQRA documentation and I don't know if it will be a short form or a long form but are there going to be emissions, any discharges any drainage issues on the machinery that's in there? I mean I think we gonna need some kind of an analysis there.

Mr. Chumard: I think what you are suggesting is that the applicant should submit an engineering report and detail what the process is, what the environmental impacts are, any emissions, power consumption, anything that may be a concern and then the Environmental Form will be filled out.

Mr. Smith: I think they need a long form.

Mr. Chumard: Yes, long form. We have not seen anything yet. I'm aware that the proposal's been made, is all.

Mr. Capozella: It hasn't got that far yet.

Mr. Smith: So you need a site plan, you need a long form SEQRA with as Mr. Chumard said, an engineering report so that we can understand what the process is, the manufacturing process is and whether or not it's going to have an environmental impact. I'm not saying it's going to but we need to be able to see that to make that determination.

Mr. Fetoski: Ok.

Mr. Naumchik: And we'll need some parking too where all these 12 new employees and 50 later on where they are going to be parked in spaces.

Mr. Fetoski: That should be part of your site plan.

Mr. Naumchik: And the roads coming in and out; you know you are going to have trucks being delivered... products and stuff like that so we need to know. Will there be a lot of trucks coming in and out?

Mr. Fetoski: We plan to... The waste for example will be hauled out from there so that will be like one truck a week to start with and year 3 we'll go to two trucks

and year 5 it will be about 4 or 5 trucks a week. From the other side, from delivering products standpoint we will have like about 1 to 2 trucks a day to start with in first 3 years and after that it may pick up a little bit, get a little busier, up to 4 trucks a week.

Mr. Smith: Is there any retail component to this? I mean is there public gonna be coming in and looking at the products?

Mr. Fetoski: No, there is no retail.

Mr. Smith: Ok.

Mr. Capozella: Do we need to do anything with the traffic study or just to know that it should be on the site plan, the truck flow...

Mr. Smith: I would put that in the SEQRA form. SEQRA form is going to ask that question. I don't know that we need a traffic study.

Mr. Thorn: I don't think we need it for that. Just you know this Bennett Street, is it wide enough or whatever, is there any access issues over there and...

Mr. Fetoski: And I think there is like an ice cream place there that will have trucks as well.

Mr. Thorn: Right.

Mr. Capozella: Ok, any other questions from the Board?

Ms. Hewson: Yes, are you an existing company already or are you starting a new company?

Mr. Fetoski: I'm starting a new company but I've done this and I have experience for over 15 years.

Ms. Hewson: What will the name be, if you don't mind me asking?

Mr. Fetoski: Alpine Natural Cheese.

Ms. Hewson: Is that like an organic type of company?

Mr. Fetoski: Well, we'll do different type of cheeses, we'll use cow milk and goat

milk, goat cheese as well, French style cheese, Greek style cheese, you know.

Ms. Hewson: And also what will your hours of operation be? Will you be working over night shifts like your employees or will it just be daytime?

Mr. Fetoski: To start with, it will be one shift, it will probably be 6 to 7; it's an extended shift you know people coming in the morning to start the processing but if it gets busy we may have to go to second shift.

Mr. Capozella opened public hearing.

Mr. Kleiner: Hi, Jerry Kleiner, Randall Heights; 2nd ward alderman. When we discussed this the concern, the primary concern that I've heard from the residents at the Council has been odor control ...

Mr. Smith: Well, that's what I meant when I said emissions.

Mr. Kleiner: I know, that will be brought up but since it's the public hearing I thought I just say that's what people are going to be looking at and we've been assured it won't be an issue and I certainly hope that's the case. Thank you.

Ms. Bruni: Good evening. Maria Bruni, Economic Development, City of Middletown. We met with Mr. Fetoski back in 2016 so he's been searching the Middletown area to bring his company here. I think it would be a good fit for Dolson Avenue area and as you all are aware there was a change in zoning in that area of Dolson and with all the expansions and growth, Dolson and the south end, again I think it would be a perfect fit to create more jobs along the corridor and like I said, he just didn't arrive yesterday with this project, he's been doing his due diligence since 2016 and looking around the area, what would be a good area and a good fit for him.

Mr. Hamilton: Hi, David Hamilton. I live on 18 West Prospect Avenue. I already have odor coming from your sewage plant. I understand you are taking more waste water from the power plant that's been built on Route 6 and will be taking waste from this company as well. When you go down to Shoprite you can smell very rotten smell and that's coming from your sewer plant. And if you are already having problems with it, not handling what you are already getting and you are going to add more, I don't know how much he is going to be passing on to you but the process got to be producing some waste to be taking in the sewer plant. I just want to make sure that's taken care of. I already have a rubber factory next to me, I already have plastic factory next to me and now I'm going to have a cheese factory

next to me producing odor. I'm not pleased. And I know sometimes the future brings changes but it's not going to be a positive change for that area. Thank you.

Mr. Capozella: Anyone else from the public?

Mr. Fengya: Good evening, I'm Mr. Edward V. Fengya and I'm a long time City resident. I'm for any type of improvement that will produce jobs and make our City a better place, however to reiterate gentleman that was here prior is the emissions. We have a fragrant odor from the City of Middletown sewer plant on Dolson Avenue quite regularly and Fleurchem Company on Sprague Avenue so I would strongly suggest that you make sure that the environmental part of emissions is taken care of. Secondly, once again I reiterate about the Byron Avenue, off of Bennet Street once again there's Byron Avenue, continues from Preston Street to Bennett Street and probably then some after, I'm not exactly sure how forward and back of the tire place but I would suggest that DEC be involved and checking the environment there for any hazardous waste or dumping or whatever that may be there. I have no objection to the cheese factory being there other than you know once again we've got the sewer issues, we've got more water usage, waste water, septic and you know along that line and traffic concerns. Dolson Avenue beginning at 1 Dolson Avenue and going forward down towards the Shoprite area has become very, very congested where making a left turn out of my driveway is very, very dangerous. So I'd also address the traffic impact with regard to the cheese factory. Also, if Byron Avenue is a paper street, the suggestion may be to develop the paper street into a road so that there can be ingress and egress some other way other than just turning onto Dolson Avenue. Thank you.

Mr. Hamilton: If I can speak second time quickly.

Mr. Capozella: Sure.

Mr. Hamilton: Has this been taken care of with the sewer smell? Because I'm not the only one smelling it. So what are we doing about that? What are we doing about the sewer smell?

Mr. Smith: For that you have to go to the Commissioner of Public Works.

Mr. Hamilton: But I'm saying you are developing more places that are going to be adding more waste to this plant.

Mr. Smith: Well, my suggestion is if you have a complaint about the smell from the sewer plant you go see the Commissioner of Public Works who is right across

the hall. He is not here right now but...

Mr. Hamilton: This is not the first time this has been brought up. I'm saying has the City done anything about taking care of the odor.

Mr. Smith: And again, I can only tell you the Planning Board is not in charge...

Mr. Hamilton: I'm not saying you are in charge, I asked has the City done anything to rectify the problem.

Mr. Smith: I don't know that anybody has notified the City that there is a problem. That's why I'm suggesting you do that – go see the Commissioner.

Mr. Fetoski: I'd just like to share some information in regards to the odor problem. I understand the concern of the public and the community but there are 3 different ways of dealing with the waste. One is a physical method of treating the waste, chemical method and biological. So physical method is... first what we are going to do at the plant is we are going to use the waste to produce ricotta cheese so it's not going to be waste that has so many ingredients inside, it will be pure waste and then after that we are going to haul the waste away. You know so many farmers use the waste for feeding the animals and/or we can send it to the City waste water treatment facility or we can find a place for it. I mean I've been managing about 40 trucks a day to be hauled away at my previous work place so dealing with one truck a week is not going to be a problem I think. And second way, chemical method is just by adding some chemicals into the waste to clean it, to treat it in a way and the third was biological so they build ponds and reactors so at that moment when they use the second and the third way of treating the waste then you have a smell because the waste is sitting outside in the ponds and of course even if you leave clean water outside if the water is not moving it's gonna start smelling. So it's the same with the waste. If you leave that waste for the long period of time outside in the ponds it start smelling and of course it's a bad odor in the area. And we are not going to do that. I mean as I said we will use physical method and all the waste will be contained, it will be enclosed system and it's not going to have any contact with the air. So just to give you an idea of what we plan to do.

Mr. Capozella: So I think that's what Mr. Smith was referring to about when you resubmit or when you become a little more defined in your project you define the process that you just explained to us where is the waste going to be kept, how you are going to manage it. That's important, this way we can read it and have for the record what you are going to do.

Mr. Fetoski: Understood. Thank you.

Mr. Chumard: Mr. Chairman, if I may, we have suggested the applicant prepares an engineering report and I would suggest that you require a licensed engineer that prepares a stamped report describing what is to be done and what is to be done to mitigate the odors and the waste among other issues.

Mr. Capozella: Is that once he submits the process?

Mr. Chumard: Yes, that would be part of the submission.

Mr. Capozella: All right, we do that. Anyone else from the public wishes to speak? All right, we are going to keep the public hearing open because this is a preliminary.

On motion of Mr. Naumchik and seconded by Ms. Hewson to adjourn for future consideration application of Besnik Fetoski for dairy product manufacturing located at 66 Bennett Street.

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

Miguel Acosta
9 Rosecrest Court
rear yard deck extension

Mr. Capozella: Do you have mailing, sir?

Mr. Acosta: Yes, sir.

Mr. Capozella: Please give it to the clerk.

(Mr. Acosta handed in mailing)

Mr. Capozella: And just briefly explain what you are here for tonight.

Mr. Acosta: I want to build a 16 by 20 deck at the back of my house.

Mr. Capozella: Ok. Mr. Welch, did you have a chance to look at this?

Mr. Welch: Yes, he's just looking for a site plan change, that's all it is.

Mr. Capozella: Ok, understood.

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

Mr. Capozella: All right, I open it up to the Board. Anyone on the Board has question on this issue?

Mr. Thorn: Just the same thing we asked other people who came before us with the deck expansions if there's been any change in Home Owners Association for the property regarding decks. If there's any change in...

Mr. Acosta: No, sir.

Ms. Hewson: And my typical question on this-anything that would prevent emergency vehicles to access the property?

Mr. Welch: It's the rear of the building.

Mrs. Acosta: It's on the rear of the building.

Ms. Hewson: Ok.

Mr. Capozella closed public hearing.

On motion of Mr. Naumchik and seconded by Ms. Hewson to approve the application of Miguel Acosta for a 16' by 20' rear yard deck located at 9 Rosecrest Court. This is with the approval of the Department of Public Works and Fire Department if necessary.

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

Mr. Capozella: Please check in with Mr. Welch before you begin work.

Mr. Acosta: Thank you.

**Kelly Auto Repair Inc.
6-8 Cottage Street
an auto repair shop**

Mr. Kelly handed in proof of mailing.

Mr. Kelly: How are you doing guys?

Mr. Capozella: Good. I see mailings have been handed to the clerk.

Mr. Kelly: Yes. So basically I'm looking to open up a repair shop at 8 Cottage Street and I'm here for your approval. As per Mr. Welch I guess we are doing it to change, the usage change from a deli to a shop.

Mr. Welch: You are going for Planning Board approval for business that you want there.

Mr. Kelly: Ok.

Mr. Welch: Just to help him out a little bit, before it was a deli it was a repair shop before so all it is take the windows out put the overhead doors back in.

Mr. Capozella: And that's what they have to do again, right? They have to put the doors back in now?

Mr. Welch: The doors are in already.

Mr. Capozella: There are doors in already, all right. And this was an eye glass shop or something at one time recently too, eyeglass cases or...

Mr. Welch: No, no, this is on a very corner of Roberts and Cottage.

Mr. Capozella: Yes.

Mr. Welch: I don't believe so. That was always a convenience store.

Mr. Capozella: Is this the structure in the back, right?

Mr. Kelly: Yes.

Mr. Capozella: Yes, ok.

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

Mr. Capozella: Ok, I open up any questions to the Board.

Mr. Naumchik: What kind of auto... is it auto repair or auto body.

Mr. Kelly: It will be auto repair, no body work. So brakes, belts, there will be some fluid changes.

Mr. Naumchik: There will be fluid changes. How are you going to get rid of the fluids?

Mr. Kelly: I've been in contact with Envirowaste, Westchester Waste Oil, Safety Clean, those are all companies that recycle used coolant, oil, filters, the speedy dry that you would use if you have a small spill or something so you know in all those places they are collected by the drum. And the oil typically now because of the cost of the fuel the oil is free for the pickup, the coolant they charge a small fee, the filter they charge a small fee but yes, it all will be collected and kept clean of course.

Mr. Naumchik: You are not going to be selling any cars there?

Mr. Kelly: No, just repairs.

Mr. Naumchik: And people are gonna be coming in and you are going to be working on their cars.

Mr. Kelly: It's just going to be me, yes.

Mr. Naumchik: No towing of cars?

Mr. Kelly: No.

Mr. Naumchik: Are you going to have space for people to park the cars?

Mr. Kelly: Yes, right here there is 4 spaces and then the shop can actually hold about 4 cars inside of it so being that it's just me you know I can only handle so many at a time so I shouldn't have a pile up of vehicles by any means.

Mr. Sisco: Is this a two bay garage?

Mr. Kelly: This is a two bay, yes sir.

Mr. Naumchik: So it's only 4-car parking.

Mr. Kelly: Yes. With a lot of spots on the outside yes and then there will be space technically for about 4 cars inside of building.

Mr. Capozella: Ok. Hours of operation?

Mr. Kelly: I'd say it's going to be probably 7 to 6.

Ms. Hewson: Daily?

Mr. Kelly: I'm sorry?

Ms. Hewson: Daily?

Mr. Kelly: It will be Monday through Saturday.

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

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

Mr. Chumard: Mr. Chairman, I recall that when that property was before the Planning Board for the proposed deli before the deli came in, there was some drainage concerns that were addressed and as I recall that that applicant was requested to use permeable pavement in the parking lot. I don't know if that was ever done or not but I just want to bring that to the Board's attention.

Mr. Capozella: It doesn't have permeable pavement at the moment. It's blacktop. Is that correct, sir?

Mr. Kelly: Yes.

Mr. Capozella: So I don't know what happened in previous applications. Is it required... I don't believe it is required for this application.

Mr. Chumard: No, I'm not suggesting anything be changed but I do recall that when previous application was being processed and came for the approval that was one of considerations.

Mr. Capozella: Ok.

Ms. Hewson: Do they have to do a short form SEQRA, Mr. Chumard because they are doing fluids or no?

Mr. Chumard: I don't know. You can request that and it would be a minor thing I suppose but...

Ms. Hewson: Well, if it was an auto repair shop before I don't necessarily see the need I just wanted to make sure we weren't breaking any rules.

Mr. Chumard: Yes, I can't see it.

Ms. Hewson: Ok.

Mr. Thorn: The items that would be in the short form really wouldn't ...

Ms. Hewson: Probably not, yes.

Mr. Thorn: Yes, that's specific, it's much more general on a short form.

Ms. Hewson: Very good.

Mr. Higbie: Other than doors are you making other changes? You are not paving any more area, you are not...

Mr. Kelly: No, no.

Mr. Higbie: So just changing the doors.

Mr. Kelly: The space actually will work fantastic for just me so, yes.

Mr. Welch: I've already been there. They are not changing anything. The only thing he has to check with Adam McCarey, the Fire Inspector.

Mr. Capozella: I'll include that in the resolution. And of course any exterior lighting, we'll include that in the resolution also.

Mr. Naumchik: And I'd put the limit of cars too.

Mr. Capozella: Four, right? Is that what I heard?

Mr. Naumchik: Is that what you said, four?

Ms. Hewson: He said 4 in and 4 out, right?

Mr. Kelly: Correct. Thank you.

Mr. Thorn: Four exterior parking.

Mr. Kelly: Yes, four exterior.

On motion of Mr. Sisco and seconded by Ms. Hewson to approve the application of **Kelly Auto Repair, Inc.** for an auto repair shop located at 6-8 Cottage Street, Middletown, New York. There will be no towing, no sales, no body work; fluids from the shop will be properly environmentally removed from the property. Planning Board approves 4-car parking. Exterior lighting will be addressed through the DPW. Hours of operations are 7AM to 6PM Monday through Saturday. This approval is contingent on the approval of the Department of Public Works and Fire Department if necessary.

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

Mr. Capozella: Be in touch with Mr. Welch, please.

Mr. Kelly: Thank you.

Fei Tian College
175 Monhagen Avenue
a school dormitory, security offices and quarters

Ms. Chan: Hello, my name is Anna Chan, I'm representing Fei Tian College for the application. We had submitted some additional plans with parking information on the lot and then also the elevation plans that were asked for last time and landscaping as well.

Mr. Capozella: Sure. Great, thank you. I believe the public hearing is still open so anyone from the public that wishes to address this applicant please step forward.

No one came forward. Mr. Capozella kept the public hearing open.

Mr. Capozella: Moving on to questions from the Board members. Mr. Welch?

Mr. Welch: With the security on the application don't we have a security building on the very... the one they are siding right now? Do you need another one?

Ms. Chan: Yes, this is just in case that we will be needing additional security. That security building is mainly for during the day and then the resting... the shift resting space for the security people to rest.

Mr. Welch: And the other question I have, we have a dormitory and then we have quarters. Now, what are quarters?

Ms. Chan: The dormitory we refer to ... we think of it as for students so we wanted to make sure that in case we have staff that are not students that they would also be able to be there to ...

Mr. Welch: You have a dormitory and quarters both in the same building.

Ms. Chan: In the same building, right.

Mr. Welch: Now, there will be individual rooms just like a dormitory for the quarters?

Ms. Chan: Correct, individual rooms.

Mr. Welch: And there will be no locks on the doors otherwise it becomes a boarding house.

Ms. Chan: Oh no and because for security we want to be able to access the rooms.

Mr. Welch: Ok, all right. That's all the questions I have.

Mr. Capozella: Because this application actually is amended. It was strictly a dormitory before and you've added security offices and quarters, is that correct?

Ms. Chan: Correct, because last time when we were discussing it we thought in case we do have staff that are there and not just students we wanted to make sure everybody was clear about that.

Mr. Capozella: Ok. All right. I just want to make it clear so that the Board members understand that you added a couple of items, that's all.

Ms. Chan: Correct, thank you.

Mr. Thorn: Is there any kind of... I don't know if this would be under Department of Education or are there any particular guidelines regarding mixing dorm uses for student living with as you are saying quarters for staff?

Ms. Chan: We do have a legal consultant and they are responsible for looking at all the ... to make sure we follow all the legal rules regarding that.

Ms. Hewson: Last time you were here I believe I asked number of students per bedroom and you said one per bedroom but tonight I thought I heard you say four but I might be mistaken.

Ms. Chan: Oh no, I didn't.

Ms. Hewson: Ok.

Mr. Capozella: I see you also increased the parking spaces.

Ms. Chan: Right.

Mr. Capozella: Noted on there is 8 cars.

Ms. Chan: Correct.

Mr. Capozella: So are you planning on blacktopping that area?

Ms. Chan: Yes, actually there are about 4 or 5 spaces that are already blacktopped I believe and we are looking just to expand that blacktop so that we didn't need to use additional space across the street so they are chipping the space just on that lot itself.

Mr. Capozella: It would be wise to blacktop because you are not allowed to park on the lawn.

Ms. Chan: Right, right, to blacktop it.

Ms. Hewson: I seem to misplace my site plan but is there landscaping because I know the last time you were here there was going to be a landscaping plan.

Ms. Chan: Yes, I have an extra copy here.

Ms. Hewson: I just look at it.

Mr. Capozella: Yes, it's right here, last page.

Ms. Hewson: Thank you. Oh, very good. Thank you.

Ms. Chan: Sure.

Mr. Capozella: Anyone else from the public?

Mr. Hamilton: I haven't seen the plans. Total number of students?

Mr. Higbie: You mean in this particular... who would be residing in this building?

Mr. Hamilton: Yes.

Ms. Chan: On the plan it's drawn as one bed per room so that is our plan.

Mr. Higbie: So 9 bedrooms, right? Is that right?

Ms. Chan: Ok, it's nine, yes. Four on the first floor and five on the second floor.

Mr. Higbie: Nine bedrooms total, one student per bedroom.

Ms. Chan: Yes, we'll make sure it's within what... yes, correct.

Mr. Higbie: And you are furnishing it, correct?

Ms. Chan: We are furnishing it.

Mr. Higbie: Not the students?

Ms. Chan: Correct. Fully furnished.

Mr. Capozella: I have a question then. If it's 9 bedrooms, it's going to be 9 occupants that could either be students or staff or the security could have quarters there also? Is that your intent?

Ms. Chan: Our intent was just that there may be students or staff so in terms of how many we haven't decided that yet.

Mr. Higbie: But never to exceed 9 people.

Mr. Capozella: Right, that's what we are getting at, right, you have 9 bedrooms so you have 9 occupants no more whether they be staff, security or students.

Mr. Welch: Nine people.

Mr. Higbie: Right? Is that...

Ms. Chan: I believe so, yes.

Mr. Capozella: I mean that what we understand we are just trying to make it clear.

Ms. Chan: That's what our intention is.

Mr. Capozella: Ok just so that when our code enforcement people show up there is not 18, 36, whatever.

Ms. Chan: Sure.

Ms. Hewson: In my notes I also have that some people in the public hearing were concerned about parking on the grass. I see you have 8 spaces. The parking is sufficient for the number that you need?

Ms. Chan: Yes, actually there is a house in between the two properties so actually some of the cars are from that property. We have made sure that there is no one using our security building parking lot any more so... There was that at the beginning when people were rushing in and out but they are parking on the other parking lots now.

Ms. Hewson: Thank you.

Mr. Higbie: Is there anything in the code with the number of bathrooms? I mean it looks like there are 3 bathrooms for 9 occupants. I'm sure that's...

Mr. Welch: There's three bathrooms?

Mr. Higbie: Looks like three bathrooms total, correct?

Mr. Welch: That's ample.

Mr. Higbie: Ample for nine bedrooms? Looks like one on the second floor and two on the first floor.

Mr. Welch: That's ample.

Ms. Hewson: Are you still planning on using ADT or is there any other security?

Ms. Chan: Actually yes, we just had the systems installed in two buildings, two school buildings last week, we just finished the installation so we are testing it now

and will be rolling it out to the other buildings once we finish the testing.

Mr. Capozella: Parking meets the code also, is that correct Mr. Welch, as far as the eight spaces?

Mr. Welch: Yes, sir.

Mr. Capozella: Anything else, Board members?

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

Ms. Hewson: Has Mr. McCarey inspected it yet or is that still on the ...

Mr. Capozella: We'll include that again that the Fire Department has to inspect it.

Mr. Welch: I'm out there every day.

Ms. Hewson: Ok.

On motion of Naumchik and seconded by Mr. Sisco to approve the amended application of Fei Tian College for a school dormitory, security offices and quarters located at 175 Monhagen Avenue, Middletown. There is going to be a mixed use for students, security and staff members. There will be one occupant per bedroom (maximum of 9). This approval is contingent upon the approval of the Department of Public Works and Fire Department if necessary.

Ms. Hewson: Not to interrupt the motion but did we have to mention that they have to be a State approved college, in the motion? I know they are at the present but I think that was part of the last motion, I don't know.

Mr. Capozella: I think the only thing that we might have to add is that it's for college purposes like we did with Touro College and the other property; you are correct Ms. Hewson, we probably should add that to the resolution that this property is intended for Fei Tian College use.

Ms. Chan: Sounds good.

Mr. Capozella: That's good, I'm all right with that; I forgot that.

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

Mr. Capozella: Please see Mr. Welch.

Ms. Chan: Thank you.

Elvis A. Uzuriaga
416-422 North Street
an eating and drinking establishment

Mr. Capozella: Now, there is one more applicant on the agenda, I guess he left; he didn't come back; 416-422 North Street. Did he just leave? It was on the agenda, I just re-arranged it.

Clerk: Yes, he was here but...

Mr. Capozella: Yes, he left.

Mr. Naumchik: Do we have to table it for next...

Mr. Capozella: I think officially we'll have to adjourn for future consideration. I need a motion.

On motion of Naumchik and seconded by Ms. Hewson to adjourn for future consideration application of Elvis A. Uzuriaga seeking a special use permit and site plan approval in order to have an eating and drinking establishment located at 416-422 North Street.

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

Adjourned 8:20PM

Respectfully Submitted,

Martina Ju, Clerk