

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

November 01, 2017

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

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

Members Absent: Steven Sisco, John Naumchik.

Other Attendees: Richard Guertin, Corporation Counsel, Walter Welch, Building Inspector and Adam McCarey, Fire 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 November 1, 2017 Planning Board meeting.

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

Mr. Capozella pointed out that all first-time applicant appearances are considered a preliminary hearing and the Planning Board may or may not chose to act or vote on those applications tonight.

Mr. Capozella: Also, tonight, just so all the applicants know in advance, we only have four members of the Planning Board here tonight, so you need a unanimous vote in order to pass. Ok, I'm telling you that because if somebody votes no, you'll have to come back, all right, so it's up to you, once you step forward you must realize that you'll need a unanimous vote, ok?

On motion of Mr. Paul Thorn and seconded by Ms. Nicole Hewson to approve the minutes of October 4, 2017 as submitted.

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

**Richard Quinn
200 East Main Street
parking lot**

Mr. Capozella: This is a continuation so Mr. Quinn doesn't have to worry about mailings and we have a public hearing that is still open, so Mr. Quinn...

Mr. Quinn: Good evening. I made my adjustments; pretty much labeled what parking is gonna be for what, what's pavement, what's gravel, each one for dealership parking, employee and detail parking, customer parking and I added a turning radius; I met with the Fire Inspector. I had to take out a couple parking spots, you know to accommodate if there was a fire truck that needed to get in through there, I had to pull out two parking spaces. Other than that I think we should be good to go.

Mr. Capozella re-convened [public hearing was kept opened] public hearing. No one came forward.

Mr. Capozella: Anyone from the Board have any comments? Did everyone get a revised... we did revise plan, just so.... and I'm going to share this with you. Does Mr. Quinn have this revised plan, Martina?

Clerk: No, I don't believe so; I'll show him.

Mr. Capozella: Your original plan showed approximately 62 total spaces.

Mr. Quinn: Yes, with the car wash and dealership, correct.

Mr. Capozella: Yes, 51 dealership, 3 customer, 8 employee and detail.

Mr. Quinn: Yes.

Mr. Capozella: I met with the Planning Board, we had a quick meeting, just the preliminary, you notice we put some Xs through some spots and we just revised it – 42 dealership, 2 customer, 8 employee and detail. We were just making a little more room in the area, alleyways; the only suggestion I have is that when you come up Railroad Avenue, where you have your employee and detailing parking, two spots closest to the road, I think they should also come out so that there be easy access for any vehicle coming and turning off of Railroad.

Mr. Quinn: Ok.

Mr. Capozella: All right? So that just be elimination of two. So technically you will be down to 50 total.

Mr. Quinn: Ok.

Mr. Capozella: Ok? Actually it would be 42 dealership, 2 customer and it would end up being 6 employee and detail.

Mr. Quinn: Ok.

Mr. Capozella: That's the only thing that we met on and suggested revisions.

Mr. Quinn: Ok.

Mr. Capozella: And I open it up to the Board now to make any comments or agree or disagree or add any information.

Mr. Thorn: I was just going to say that it looks like comments that we had last meeting had been addressed.

Mr. Capozella: Yes, he did, yes.

Ms. Hewson: The spaces are still 9 by 18?

Mr. Quinn: Yes.

Ms. Hewson: Ok, and one other question, Mr. McCarey, is there any fire safety concern for fire trucks or anything like that getting through?

Mr. McCarey: I turned that over to Chief to see if they can get all the way through; I haven't heard back.

Ms. Hewson: Ok.

Mr. Capozella: Well, in response to that I think we eliminated some additional spots to make it even wider so I don't ... I mean going from 16 feet in most places Mr. McCarey almost doubled that.

Mr. McCarey: It's more than enough.

Mr. Capozella: Ok, good. We added a little extra just in case.

Mr. McCarey: Yes, I didn't see the revised plan.

Mr. Capozella: Oh, I'm sorry that you didn't see that. Mr. McCarey wants a quick

look at that.

Mr. McCarey: Number 3 is gone?

Mr. Quinn: Yes.

Mr. McCarey: Which means total of 30 there?

Mr. Quinn: Yes.

Mr. McCarey: And 6 is gone as well? And seven?

Mr. Quinn: Six is gone, seven is gone, eight is gone.

Mr. McCarey: The one next to seven is gone as well? Those four?

Mr. Quinn: Yes.

Mr. Capozella: Yes.

Mr. Quinn: Those four are completely gone.

Mr. Higbie: Number 3 though, one number 3 is still there.

Mr. Quinn: Well, the 3 with the X? Yes, the customer; that's the one.

Mr. McCarey: And then where the dealership parking is that with the X is fine because we would use this whole other back area so you have more than enough for those...

Mr. Capozella: Ok, that's good. Thank you.

Mr. Higbie: And that's the number you can live with as well?

Mr. Quinn: Yes, yes, better that 16 or 15, whatever we had there. We definitely outgrew it.

Mr. Capozella closed public hearing.

On motion of Mr. Higbie and seconded by Ms. Hewson that the Middletown Planning Board hereby approves 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. There will be 50 allowable spots; 42 for dealership, 2 for customers and 8 for employees and detailing. Hours of operation are Monday through Saturday 9AM to 5PM, Sunday 9AM to 3PM. This is pending Department of Public Works approval, Commissioner of Public Works approval and anything else to do with the Fire Department approval.

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

Mr. Capozella: Thank you.

Mr. Quinn: Thank you guys, have a good night.

Mr. Capozella: Mr. Quinn, just before you go, do me a favor and submit for the record a cleaned up, revised plan for the record.

Mr. Quinn: Ok, just for the record, just clean it up.

Mr. Higbie: Just take those spots out.

Mr. Capozella: Clean it all up, take those spots out.

Mr. Quinn: Where the Xs are, clean them up, submit them, very good.

Mr. Capozella: Yes, thank you very much.

Mr. Quinn: Thank you guys.

Jaime Gonzalez
14-20 Cottage Street
Welding Shop

Mr. Gonzalez: Good evening gentlemen. My English is so-so, he is my brother-in-law, he'll help me with that.

Mr. Capozella: Ok. Just so everyone knows, mailings have been submitted already, this is continuation, public hearing is still open. Mr. Gonzalez has submitted several photos of the type of work that he does and the location of his building. I'm going to pass this to the Planning Board.

Planning Board members reviewed submitted material.

Mr. Higbie: Very nice work.

Mr. Gonzalez: Thank you.

Mr. Capozella re-convened [public hearing was kept opened] public hearing. No one came forward.

Mr. Capozella: Maybe you can set us up, Mr. Guertin, on what we are going to do with this property and what we have to do with this property.

Mr. Guertin: This is part of the Clemson area that you've already approved site plans for. This business was in, within the Clemson compound for many years, certainly while it was an industrial zone. The zone has now been changed as you know, to the DMU and it has been moved, the business, within the interior of the structure. So really what you are doing tonight, first of all you are dealing with the question of light manufacturing because the DMU zone does allow light manufacturing and it's in the discretion of the Planning Board but I think you have in front of you a business that's been in existence for many years, never had any complaints about them as far as their work; it's not as if they are doing massive amounts of machinery and things of that nature but you are all familiar with that so... and Alex Smith and I have spoken about this and we both feel that this fits within the classification of light manufacturing realizing of course it is the Planning Board determination but we both are comfortable with that. I think at this point you'd be looking at approving the use and I'd also suggest that it'd be subject to your normal conditions or subject to Commissioner of Public Works but I would also in this instance make it subject to Corporation Counsel approval so that they can give us basic drawing of the exterior to show within that exterior structure where the business is located within the building. Mr. Gonzalez and I have met on numerous occasions about this application and that's why I'd ask that it would be subject also to Corporation Counsel approval but I think you are in a position where you could go forward and approve it if you like.

Mr. Capozella: Any comments from the Board?

Ms. Hewson: I just want to say I'm in full support of this. Like Mr. Guertin said, this gentleman has been in business for many, many years, I feel like he's almost grandfathered although the zone changed so I say full speed ahead, personally.

Mr. Capozella: Ok, any other members of the Board?

Mr. Higbie: Just for the record, how long have you been there?

Mr. Gonzalez: Around 14 years.

Mr. Higbie: Fourteen years. Nobody came to the public hearing-that tells you something.

Ms. Hewson: Yes.

Mr. Capozella closed public hearing.

Mr. McCarey: Just one quick note on that.

Mr. Capozella: Sure.

Mr. McCarey: When we visited this location, they did move from one portion of the property to another building on the property. What sparked our attention was the code violations that were there. So Mr. Gonzalez was waiting to correct all those violations until it was going to be voted on, if it was going to be approved to stay there, otherwise it wasn't going to be worth for them doing the renovations to meet the code.

Mr. Capozella: Understood.

Mr. McCarey: So just make sure that...

Mr. Capozella: We always make it subject to DPW, in this case Corporation Counsel and Fire Department approval. So...

Mr. McCarey: I just wanted to let you know that there were open violations on that already, that's all.

Mr. Capozella: That's fine, this gentleman will have to follow all codes and you gentlemen, Mr. Welch and yourself and Mr. Guertin will have to follow up and make sure that he meets all the standards.

Mr. McCarey: And he is aware of it.

Mr. Guertin: That's why he's here.

Mr. Capozella: Ok, so on the application for 14-20 Cottage Street, welding shop, the only other thing sir, would you please give me your hours of operation, please?

Mr. Gonzalez: Yes, I work between 8:30 to 5 or 6PM.

Mr. Capozella: So we'll make it 8 to 6PM and is it Monday through...?

Mr. Gonzalez: Monday through Saturday.

Mr. Capozella: Ok, that will be included in the resolution so that there are no issues and again this resolution will be subject to the approval of the Department of Public Works, Commissioner of Public Works, Corporation Counsel and of course anything that is related to the Fire Department will also have to be inspected.

On motion of Ms. Hewson and seconded by Mr. Thorn that the Middletown Planning Board hereby approves the application of Jamie Gonzalez for a special use permit and site plan approval in order to have a welding shop located at 14-20 Cottage Street, Middletown, New York. Hours of operation are Monday to Saturday 8:00AM to 6:00PM. This approval is contingent on the approval of the Department of Public Works, Commissioner of Public Works, Corporation Counsel and Fire Department.

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

Mr. Capozella: Keep in touch with all the DPW people; make sure you go through all your code and everything else, ok? Thank you.

Mr. Gonzalez: Thank you so much, thank you.

Tommy Yang
125 Wickham Avenue
First floor office and second and third floor residential apartments

Mr. Lee: Tommy Yang is here and I'm trying to translate for him.

Mr. Capozella: Ok, that's fine. Do you have your mailings, sir?

Mr. Lee: Mailing?

Clerk: Yes, they are on the file.

Mr. Lee: My name is Jonathon Lee. Tommy bought the property about half a year ago and it's pretty empty. There is only one company occupying part of the first floor and he is proposing to make the 2nd floor and 3rd floor apartments and make the first floor office space. And he has hired the engineer, did the drawing and there is a parking at the back, it's all paved already, from the calculation it could have about 11-12 cars parked there. And the other, he wasn't sure about the requirement for one-bedroom versus 2-bedroom, so he draw the you know... the second floor has one 2-bedroom and one 1-bedroom and the third floor has one-

bedroom apartment and two-bedroom apartment so that's what he draw, that's pretty much it.

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

Mr. Guertin: Yes, just to give the Planning Board a little background on this, you may be familiar with this as the former law office of Stew Greenwald and Art Shapiro was even there for a while and I believe Art had his office actually on the ground floor which we are considering the first floor. This had come to me because the question when he purchased the building, he came to our office and said he was looking to do something with the property and they weren't sure of what was meant by the 1st floor commercial because if you look at the building, you do have that front stairway and so the question was, is the floor serviced by the front stairway the first floor or does the ground floor, the driveway level constitute the first floor, because it is ground level, which would mean then the upper two floors could be residential. So I asked Dave Ramisson, one of our code fellows to go out and take a look at it and I also looked at the Zoning Code and the definition of ground floor and the way it had been used for offices before so based on all of that and looking at the code and looking at the building itself, we came to the conclusion from the legal standpoint that that ground floor does constitute the first floor for purposes of this building and although the stairway goes up to what used to be Stew Greenwald's office, that would technically for the purposes of the Zoning Code be considered the second floor and then the floor above that would be the third floor. So that's why they are in with this application. Because they frankly came in and said, we'll do whatever you need if that ground level plus the floor accessed by the stairway, if those both have to be offices we'll do commercial use but they just said, you know, what is it and so again, I came to the legal opinion that that ground level satisfies that first floor ground level requirement for the Zoning Code. So I just wanted to give you that background.

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

Mr. Capozella: Anything from the Board members? Questions from the Board or any comments?

Mr. Thorn: I have a question. If we thought that the usage of what the entrance from the front would be, if I'm understanding it correctly, that would be the second floor where it goes to the front?

Mr. Guertin: Right. That's what we grappled with, right.

Mr. Thorn: Does that, reasonably speaking, does that mean what would constitute

the first floor, is that reasonable that it can be used as commercial space anymore? I mean it's not serviceable by the front.

Mr. Guertin: It could be if they wanted to put commercial use on what is now, for the purpose of their application the second floor, certainly they could but they don't have to the way we interpreted it under the code.

Mr. McCarey: The last person that was on that first floor was a psychologist or something like that, professional office and if you go to the left of that building, side two, it has its own full entrance, window as a store front.

Mr. Thorn: Ok, that was my concern if you don't use that area where the frontage would go to if you could still reasonably use what would be the ground floor level.

Mr. Guertin: It has it's own entrance.

Mr. Lee: It has actually two entrances, one is on the side. Yes, the ground floor has two entrances, one is from the back, from the parking lot and one is in the driveway, if you look at A1.

Mr. Thorn: No, it makes sense, I just want to make sure that it would still be reasonably usable as a commercial space and it sounds like it's fine.

Mr. Capozella: Anyone else from the Board?

Ms. Hewson: This might sound like a silly question but we did have something similar to this pop up a couple months ago; each floor is closed off from the others, there's no access from one apartment to the office, there is nothing like that, didn't we have an office like that, Mr. Welch, where...

Mr. Welch: I have no issue with that building whatsoever.

Ms. Hewson: You're good? Ok, that's all I needed to know.

Mr. Welch: Mr. McCarey may have, I don't think so either.

Mr. McCarey: No, no issue. The interior, I mean, it's not set up as apartments at all now, and if they want to put in 4 units they have a lot of renovations to do anyway so that's gonna be up to the planning process with Walter.

Ms. Hewson: Good.

Mr. Capozella: Based on the plan, Mr. Welch, did they have enough parking or should we waive parking just so that there's no issue. Because we don't know what type of business is coming in and how much they are going to need.

Mr. Welch: To me they have ample parking, but just to protect everything, I'd waive it.

Mr. Capozella: Ok.

Mr. Thorn: I would add clarification on the number of apartments; it's just the way it's written on the application itself it's not... the drawings are clear but the written description of what they are putting in, it doesn't specify how many, the way it's written it almost reads like one one-bedroom apartment on the second floor and one two-bedroom on third floor and that's not ... we are talking four total.

Mr. Lee: Right.

Mr. Capozella: Mr. Yang, will you clarify that for us? On the second floor, what you are going to plan on having for apartments.

Mr. Lee: Second floor will be two apartments.

Mr. Capozella: Two apartments?

Mr. Lee: Yes, one one-bedroom and one two-bedroom and the same way the third floor - one two-bedroom and one one-bedroom. So that will be total of four apartments and an office space on the first floor.

Mr. Capozella: Is that ok, Mr. Thorn?

Mr. Thorn: Yes, it's just... the drawings are clear but the way it's written in the description is not.

Mr. Capozella: Any other questions from the Board?

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

On motion of Mr. Thorn and seconded by Mr. Higbie that the Middletown Planning Board hereby approves the application of Chenglong (Tommy) Yang for an office space on the first floor, two apartments on the second floor and two apartments on the third floor (one one-bedroom and one two-bedroom on each floor) of the premises located at 125 Wickham Avenue, Middletown, New York.

Office hours of operation are Monday to Saturday 9:00AM to 5:00PM. Planning Board waives parking requirement. This approval is contingent on the approval of the Department of Public Works, Commissioner of Public Works and Fire Inspector.

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

Mr. Capozella: Please meet with Mr. Welch when you get ready to do your work. Thank you.

Mr. Lee: Thank you.

Hu, Long
20 Roberts Street
Assembly facility

Mr. Capozella: Ok sir, do you have your mailings submitted?

Clerk: On the file, yes.

Mr. Capozella: Thank you.

Mr. Hu: Good evening everyone. My name is Long Hu, I'm the president of the company Fulton Street, Inc. Our company is a startup company build on top of the wish that we contribute to the development of Middletown. Currently our business direction will be focused on (*unintelligible*) processing bases and medical lasers which basically is low power solid lasers. It belongs to light industrial category. Essentially what we do is we design and assemble laser products by putting together pre-made electronic components and optical components so it's not big size. It looks like pretty straightforward to me based on my understanding there is no special like specifically special things related to environmental and other things so like 20 Robert Street, the property belongs to DMU district and because from the law passed in July from the Common Council it can accept light manufacturing so that's why I submitted this application because we have considered quite a few other options but this one seems like fit best for us at this stage and also I'm looking at the code and it aligns with the goals stated in the law by a local planning committee so I sincerely request you to approve the application. So if you have any questions, please feel free to ask me.

Mr. Capozella: Thank you.

Mr. Capozella opened public hearing.

Mr. Capozella: Ok, I'll move on to the Board members; any Board members have any questions or comments. My one question is, we have a plan in front of us, I assume this is the first floor only?

Mr. Hu: Yes.

Mr. Capozella: There is a second floor there; will that remain vacant at this time?

Mr. Hu: Yes, at this time it's vacant but the landlord is planning to rent it.

Mr. Capozella: You plan on renting it?

Mr. Hu: No, the landlord, the landlord is planning to rent it out.

Mr. Capozella: All right, you would have to come back for any other use of the second floor.

Mr. Guertin: This was a part with the DMU zone, through the DRI plan and with the planners that we had involved with this; a lot of focus was on mixed use, business on the first floor, that's why the DMU zone now says you cannot waive the... it has to be commercial on the first floor and then the idea of a mixed use that they have, you know the whole concept of live, work and play downtown so the mixture of first floor business commercial type use together with residential above, that's why the Common Council in passing it said on the second floor or above, if you have a single family or a two-family, that's actually a permitted use now, so we encourage that. So if they do it, if the owner does want to put an apartment on the upper floor, if it's a one or two-family, then that can go through without any Planning Board approval.

Mr. Capozella: So the only thing he would have to do is go to the DPW for permits.

Mr. Guertin: Sure.

Clerk: That's not the owner of the building; they are only renting the space, they are not the owners so they are only applying for their business.

Mr. Guertin: They are only applying for this floor.

Mr. Capozella: Ok.

Mr. Hu: Yes, we only rent it.

Mr. Capozella: I just wanted to make it clear to the Board that... what will happen on the second floor. I wanted to make it clear to me.

Mr. Guertin: Fair enough.

Mr. Thorn: So this work that you are doing here is primarily assembly, you said?

Mr. Hu: Yes.

Mr. Thorn: Ok, so there is no I guess there's no manufacturing component to it or ... I guess I'm looking for kind of a more of the description of the work itself. Do you need any kind of... is there any kind of special like equipment? I don't know with electronics, if you need like special air handling or anything of that kind with work you are doing.

Mr. Hu: Just like PCB board, like it's basically similar to the TV PCB boards, like the electronic boards, so we put them together and optical components together.

Mr. Thorn: So like computer components? So there isn't any installation of like air handling equipment or anything, I'm thinking of things that would make noise or something like that could possibly disturb the neighboring properties or anything like that.

Mr. Hu: No, no.

Mr. Thorn: Ok.

Mr. Capozella: I would think that would fall into the purview of the DPW, Fire Department, once they get there to look at anything out of the ordinary, chemicals or anything like that. I assume the DPW will have to step up and...

Mr. Thorn: Yes, I mean my concern is just you know, hearing assembly in a building that looks primarily really residential, more of like an office space going to this kind of use and I'm trying to understand exactly what that means.

Mr. Guertin: I think the light manufacturing, if it encompasses anything, it does encompass assembling pieces together.

Mr. McCarey: That's the whole definition in that use that they are assembling premade products. They are not manufacturing or doing molding or anything like

that; they are just taking bunch of products and putting them together. That was our discussion couple of weeks ago.

Mr. Guertin: Putting legos together.

Mr. McCarey: Basically.

Mr. Welch: Or putting puzzle together, that's all it is.

Mr. Capozella: All right.

Mr. Capozella closed public hearing.

Mr. Capozella: I'll give the Board one more chance; comments or questions?

Mr. Higbie: The hours of operation are in there?

Mr. Capozella: Yes, I'll read them right off. The hours of operation are actually within the application; Monday to Friday 9AM to 6PM and then I actually have 1-3 employees. Also, we are going to waive parking here, just in case there is an issue and of course it's subject to DPW, Commissioner of Public Works and Fire Department inspection. I need a motion.

On motion of Ms. Hewson and seconded by Mr. Higbie that the Middletown Planning Board hereby approves the application of Long Hu for a special use permit and site plan approval in order to have an assembly facility located at 20 Roberts Street, Middletown, New York. Hours of operation are Monday through Friday 9AM to 6PM. There will be 1 to 3 employees. Planning Board waives parking requirement. This approval is contingent upon the approvals of the Department of Public Works and Fire Department if necessary.

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

Mr. Capozella: Thank you very much. Sir, before you start doing any work get hold of Mr. Welch.

Mr. Hu: Ok. Thank you very much.

**A.Z. North Holding LLC.
416-422 North Street
First Floor residential**

Mr. Azrilawitz: Hi, my name is Zisha Azrilawitz, I'm the owner of 418 North Street.

Mr. Capozella: Do we have mailings?

Clerk: Yes.

Mr. Capozella: Thank you.

Mr. Azrilawitz: I'm the owner 418 North Street. I bought it in 2013 and I have attached this; one side is the pizza, Pizza Caputo, Caputo's Pizza store and on the other side I have a vacant property which I was trying to rent for the last 4 years and it has a "lease" sign over there and it's very hard for me to rent it out. I had last year, I had an offer, somebody was trying to open up a bar and I didn't realize what's involved and I think she was over here by the Board and I appreciate that she wasn't accepted because I didn't realize she had in mind the whole thing so I appreciate that. So my questions now is, I would like to put in two apartments over there to be able to rent it out and keep it quiet and rent it out for normal use residential.

Mr. Capozella: And we understand it's a one-bedroom and a studio.

Mr. Azrilawitz: A studio, yes, because that's the layout how I can make that use better.

Mr. Capozella: Understood, thank you.

Mr. Capozella opened public hearing.

Mr. Sanchez: How are you doing? My name is Israel Sanchez, I'm the owner of 405 North Street. I was the one who opposed their bar opening but I'm for them making a home for someone, so I'm good with that, having someone to live there, so that's good. Bar no, someone to live in the house, good.

Mr. Capozella: Thank you, sir.

Mr. Higbie: Thank you.

Mr. McCarey: Are you guys going to remove the office or are you leaving office same, stays as is and is still accessible from the hallway?

Mr. Azrilawitz: The office stays, yes, we need some space. It's just the other side,

yes, but there are other two entrances from the other side.

Mr. McCarey: Right.

Mr. Azrilawitz: So we can have access on all sides.

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

Ms. Hewson: I'm just having trouble interpreting page 2 of the plans. I see there's parking space but is this... this is all outdoor?

Mr. Azrilawitz: That's all outdoors, yes because I made the dimensions from outside and it's blacktop all over so there's parking, then we have from the other side where the pizza is, there's a lot of parking.

Ms. Hewson: Ok.

Mr. Higbie: I can tell you that I think this is a great use for the property and I'm not sure about two apartments and one studio, that's something we can discuss but I think it's a great... I mean I live not too far from there and I work right on the same street and this is definitely use that I think will be good. Would this just be rented out to the public or do you plan on putting your super or somebody into this?

Mr. Azrilawitz: We have one super which we want to give him more, because I'm happy with him and I want to give him more because as you know, the building is more for a lower income people...

Mr. Higbie: Right.

Mr. Azrilawitz: So I want to give him more respect by having him from the side.

Mr. Higbie: So he is going to be in the studio?

Mr. Azrilawitz: He is going to be in the studio.

Mr. Higbie: And then the one bedroom you will rent out.

Mr. Azrilawitz: We will rent it out, yes.

Mr. Higbie: Ok.

Mr. Azrilawitz: Because I feel he doesn't have... if he lives with everybody he's...

Mr. Higbie: Right, they don't have kitchens, right?

Mr. Azrilawitz: No, there's no kitchen, so I want to give him more respect, he's gonna to have his own thing so he's gonna...

Mr. Capozella: Ok, any other Board members have any questions or comments?

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

On motion of Mr. Thorn and seconded by Mr. Higbie that the Middletown Planning Board hereby waives first floor commercial requirement and approves the application of A. Z. North Holding LLC. for residential apartments located on the first floor of the premises located at 416-422 North Street, Middletown, New York. This approval is contingent on the approval of the Department of Public Works and Fire Inspector if necessary.

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

Mr. Capozella: Thank you very much, meet with Mr. Welch before you start doing any work.

Mr. Azrilawitz: Ok, thank you.

Adjourned 7:45PM

Respectfully Submitted,

Martina Ju, Clerk