

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

January 03, 2019

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on January 3, 2019 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, John Naumchik, Nicole Hewson, Dan Higbie, Dave Madden, Anthony Britto.

Members Absent: Vanessa Cid-Morales.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Adam McCarey, Fire Inspector; Walter Welch, Building Inspector.

The Pledge of Allegiance was said.

Swearing in of Mr. Croughan and Mr. Britto by Mr. Naumchik.

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.

Approval of December 5, 2018 minutes. Motion by Ms. Hewson; seconded by Mr. Higbie.

Roll Call Ayes: John Naumchik, David Madden, Nicole Hewson, Dan Higbie, Anthony Britto, Anthony Capozella.

**Shai Malul
23-27 West Main Street
residential apartments**

Mr. Capozella: Just for the record so everyone knows, the applicant has come back with an amended application. We had a little mix-up, and just so everyone knows, we have the mailings, and everything is ready. The only thing we have to do is we have to reopen the public hearing for petition of process, so if you have

anything else to state for the record, now would be the time.

Mr. Cirillo: Well, do you want me to go through the whole kit and caboodle again?

Mr. Capozella: I don't believe that's necessary unless one of the board members -- obviously, we worked through the discrepancy and understand the problem. The new plans have been reviewed, okay, so we're just following the procedure to make sure that we can take a vote. We need to approve or disapprove of this application.

Mr. Cirillo: Well, just to make sure everyone's got the plans, current plans. There are six two-bedrooms, one one-bedroom, and one efficiency.

Mr. Capozella: Correct.

Mr. Cirillo: I think the easement for the windows is in place.

Mr. Capozella: It is.

Mr. Cirillo: And again, just to reiterate, they are going to remove the panels through the façade program once they buy the building.

Mr. Capozella: Correct. I will read the resolution in its entirety just to make sure everything's okay.

Mr. Cirillo: Okay. Sure.

Mr. Capozella: All right? So our public hearing has been reopened on this application, so anyone from the public wishing to speak on this application, please step forward.

The public hearing was reopened.

Mr. Capozella: No one. Okay. I will close the public hearing.

The public hearing was closed.

Mr. Capozella: I would also like to give the board members any last comments or questions. No? Okay. I'm going to read the resolution containing this application.

RESOLUTION GRANTING CONDITIONAL APPROVAL SPECIAL USE PERMIT FOR 1 EFFICIENCY APARTMENT AND THREE 2 BEDROOM APARTMENTS ON THE THIRD FLOOR AND ONE 1 BEDROOM AND THREE 2 BEDROOM APARTMENTS ON FOURTH FLOOR APPROVAL

23-27 West Main Street, Middletown, NY

WHEREAS, Shai Malul filed an application with the City of Middletown Planning Board seeking a Special Use Permit for 1 Efficiency Apartment and three 2 bedroom apartments on the 3rd floor and one 1 bedroom apartment and three 2 bedroom apartments on the 4th Floor.

WHEREAS, after due notice the initial public hearing was held On November 7th, 2018, at 7pm, and subsequent meeting on December 5th, 2018 in the Common Council Chamber, City Hall, Middletown, New York. Applicant then sent an amended application to be heard on January 3, 2019, wherein public hearing was re-opened and public comments were heard, if any, and

WHEREAS, at said hearings all those who desired to be heard were heard and their testimony recorded, and

WHEREAS, the Planning Board has reviewed the application as well as the Easement Agreement by the Applicant with the City of Middletown, signed by all necessary parties, and

WHEREAS, the Planning Board has opined that the applicant's plans and City of Middletown's Easement have met all requirements for granting a special use permit to the Applicant.

NOW THEREFORE BE IT RESOLVED by the Planning Board that its conclusions are as follows:

1. The proposed special use will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

2. The proposed use will not unreasonably or adversely affect the enjoyment or value of nearby properties, nor will it interfere with the public health, safety or welfare.

3. An integral part of the approval is the City maintaining its permanent air-rights easement into Festival Square. As such, the City has entered into an Easement Agreement with the Applicant to preserve these rights. This approval is conditioned upon compliance with the Attached Easement Agreement dated December 4, 2018 which is hereby made part of the Approval and that no Certificate of Occupancy will be issued until Building Department verifies compliance with said Agreement, and it is further

RESOLVED by the Planning Board that this application be and hereby is granted, subject to the following conditions:

A. Compliance with City of Middletown Department of Public Works, City of Middletown Fire Department and Commissioner of Public Works.

B. The applicant must comply with the Attached Easement Agreement.

C. The applicant must comply with the requirements imposed by the Easement Agreement dated December 4 and attached as Exhibit 1, and no certificate of occupancy's will be issued for any of the proposed apartments until Building Inspector verifies compliance with said Agreement.

Mr. Capozella: One item that is not written in this resolution but we will have to include it is what we call the waiving of parking. All right. You get to use all municipal parking, but you have no designated parking on your property.

Mr. Cirillo: Correct.

Mr. Capozella: So we would have to waive parking. That is the resolution for this application. I don't know if I -- did I miss anything, or is it all in order? Okay. I actually need a motion for this resolution.

On motion of Mr. Higbie and seconded by Mr. Britto to approve the application of 23-27 West Main Street residential apartments. Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

Roll Call Ayes: David Madden, John Naumchik, Anthony Britto, Nicole Hewson, Dan Higbie, Anthony Capozella.

Mr. Capozella: You are in the DMU Zone, so any façade work needs to go

through the Architectural Review Board in the City of Middletown. That is part of the resolution. It's automatic because you're in that zone.

Mr. Cirillo: Yup.

Mr. Capozella: Okay. Thank you.

Mr. Cirillo: Thank you.

Yinfei Liu
8-10 East Main Street
a barber shop

Mr. Capozella: Just explain to us what you want to do.

Clerk: Can I have the mailings, please?

Mr. Capozella: Oh, I'm sorry. Yes. I think we saw it in his hands. Okay. We have the mailings for the record.

Clerk: Yes.

Mr. Capozella: Thank you.

Clerk: Thank you.

Mr. Capozella: Okay, sir.

Mr. Liu: Yes.

Mr. Capozella: Just give -- explain to us what your intent is. What do you plan on doing?

Mr. Liu: It's a barber shop. We open the barber shop. We have haircut and we do the color, and I think that's all.

Mr. Capozella: Okay. All right. First thing we'll do is open the public hearing. Anyone from the public wishing to comment on this application, please step forward.

The public hearing was opened.

Mr. Capozella: Okay. We'll leave the public hearing open, and we'll move on to our board members with any questions or comments. Mr. Madden?

Mr. Madden: Is this in the Da Tang Supermarket?

Mr. Liu: Yes. That's right.

Mr. Madden: The storefront facing East Main Street.

Mr. Liu: Yes.

Mr. Madden: Is there any discussion of opening up the storefront with windows?

Mr. Liu: Windows?

Mr. Madden: Yes. Because you can't really see in; correct? You just have a door going inside there?

Mr. Liu: No. We have windows.

Mr. Madden: You have windows.

Mr. Liu: Yeah. We will open the windows, and people can see in.

Mr. Capozella: So then there is going to be some structural work being done on the property on the façade so you can put these windows in?

Mr. Liu: No.

Mr. Capozella: Oh, no?

Mr. Madden: Again, I'm just going to ask again.

Mr. Liu: Sure.

Mr. Madden: This is if you go into Da Tang from East Main Street, there's a door, but it's an all-concrete block wall, like you can't see inside there.

Mr. Liu: No. If you go inside the Da Tang Supermarket, there's a hallway.

Mr. Madden: Yes.

Mr. Liu: There's a door and there's a window, and you can see through. Not from the street.

Mr. Madden: Not from the street.

Mr. Liu: Yeah. Inside.

Mr. Capozella: All right. Well, I can see how that could be confusing because the plan that we were submitted really doesn't show that, but that's something that I think our Building Department can easily work out with the applicant.

Mr. McCarey: So you're not building any walls or you won't need new windows.

Mr. Liu: No. Not at all.

Mr. Naumchik: What are the hours of operation? Is it going to be the same as the supermarket?

Mr. Liu: Yeah, probably. Yeah. If the supermarket is closed, we'll be closed as well.

Mr. Croughan: John, in the application, they have listed Wednesday through Sunday, 10:00 a.m. to 6:00 p.m.

Mr. Liu: Yes.

Mr. Capozella: Is that correct?

Mr. Liu: Yes.

Mr. Capozella: Because we'll put that in the resolution.

Mr. Liu: Sure.

Mr. Higbie: So that's not the same as the supermarket.

Mr. Liu: Yeah. That's the supermarket.

Mr. Higbie: The supermarket's closed on Mondays and Tuesdays?

Mr. Liu: No, it doesn't.

Mr. Higbie: Well, according to your thing, you only want to work Wednesday to Sunday.

Mr. Liu: Yeah. That's right.

Mr. Higbie: Okay.

Mr. Capozella: Then that's the way we'll put it in the resolution.

Mr. Higbie: Yeah, okay. I'm just clarifying it's not the same as the supermarket, Wednesday to Sunday, 10:00 to 6:00.

Mr. Naumchik: So when you're closed and the supermarket is open, you're not going to be able to come through that door because it'll be locked; right? I'm confused about where exactly you're going to be when you're inside. It's not going to be separate; right?

Mr. Liu: No. The supermarket is like -- it's right here, and there's a hallway. There's a main entrance, and in the hallway there's a couple rooms, and that's where we'll put it.

Mr. Capozella: Can any of our inspectors shed any light on this situation?

Mr. McCarey: When you walk into the front, there's two entrances into the building, one on the right, which also has a staircase going upstairs to the next level, and then on the left it brings you into a small vestibule area which opens up into a really large hallway, probably the width of the counsel chambers. It goes the entire length of the building to where the actual supermarket starts, and that's all open, and on either side there are doorways for offices or whatever they had before, and you're using one of them?

Mr. Liu: Yes. That's right.

Mr. Capozella: Okay.

Ms. Hewson: Almost like a mini mall.

Mr. Naumchik: That's why I'm confused about where it's going to be.

Mr. Capozella: The plan isn't indicative of --

Mr. Croughan: Who has control -- Adam, do you know who has control of the door leading into the vestibule? Is that always unlocked?

Mr. McCarey: No. That would be locked when the business is closed, but now a new -- this is the second business that's going in there, so they're going to have to figure something out on their own. But what's the total square footage of the room that you're renting?

Mr. Liu: I'm not sure. Maybe half -- not half. Like one-fourth.

Mr. McCarey: When you go into the building, where are you? If I'm looking all the way back to the supermarket and I'm standing in the front of the building, where's going to be your space? On the left? On the right?

Mr. Liu: The main entrance. The main entrance. When we face the hallway and the supermarket is in the --

Mr. McCarey: All the way in the back.

Mr. Liu: Okay. It's on the left.

Mr. McCarey: On the left.

Mr. Liu: Yes.

Mr. Capozella: He's showing by this diagram just roughly 150 square feet, give or take. That's the question we want answered.

Mr. McCarey: Yeah. Then I don't have that.

Mr. Capozella: Oh, you didn't get that in the packet? Okay.

Ms. Hewson: How many employees will you have?

Mr. Liu: Two.

Ms. Hewson: Two? And are they going to be licensed?

Mr. Liu: Yes. They are licensed.

Ms. Hewson: Okay. And will you be doing any massages or nails?

Mr. Liu: No.

Ms. Hewson: Okay.

Mr. Capozella: I'm just making a couple notes here. Anything else from the board? Any other questions?

Mr. Madden: Yes. When Adam was asking to clarify where his location was, he said to the left, but he showed to the right, so I'm still not clear as to where -- like we're walking into that vestibule from East Main Street and we're looking at the supermarket in the back. Are we talking about a space on the left or a space on the right?

Mr. Liu: Space on the right. So when we go in the front door --

Mr. Madden: From East Main Street.

Mr. Liu: Yes. The supermarket is all the way in the back.

Mr. Madden: Correct.

Mr. Liu: And we are on the right.

Mr. Madden: Okay.

Ms. Hewson: But there's no rooms there. I go to that store. There wouldn't be any rooms on the right, only on the left.

Mr. McCarey: No. There's rooms on both sides.

Mr. Liu: On both sides.

Ms. Hewson: It's all open though in that, you know, in the front door.

Mr. McCarey: But there are rooms on both sides.

Ms. Hewson: It's all open. I don't think there are. I don't mean to --

Mr. McCarey: I know there are.

Ms. Hewson: Okay. Well, you're the inspector.

Mr. McCarey: No. I've been in the building numerous times.

Ms. Hewson: I go there a lot to shop, and I never noticed them before.

Mr. McCarey: Yeah.

Ms. Hewson: Okay.

Mr. McCarey: Do you have your -- are you going to be sharing a bathroom with the supermarket?

Mr. Liu: Yes.

Mr. Naumchik: Walter, as long as you're comfortable on where it's going to be.

Mr. Welch: I have no problem with it whatsoever.

Ms. Hewson: Okay.

Mr. Welch: Numerous times in that building.

Mr. Capozella: Okay.

Mr. Welch: And so has Adam.

Mr. Capozella: Any other questions?

Mr. Croughan: Is there any venting requirements with hair coloring?

Mr. McCarey: Not that I know of. I mean, unless they're going to be using -- are you just doing basic coloring?

Mr. Liu: Yes.

Mr. McCarey: And nails? No?

Mr. Liu: No.

Mr. Capozella: I'm going to put that in the resolution, no massage, no nails.

Mr. McCarey: Just hair. Haircuts, hair coloring.

Mr. Liu: Just haircuts and hair coloring and the straight -- make hair straight.

Mr. McCarey: That's fine. All licensed, obviously.

Mr. Capozella: I'll include that. All licensed employees. Anything else? Okay. Back to the public hearing. Anyone from the public wishing to step forward and comment on this application? Okay. I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Any more questions or comments from the board? Okay.

Resolution for 8-10 East Main street, a barber shop, for haircuts, hair coloring, and hair straightening. Hours of operation will be 10:00 a.m. to 6:00 p.m., Wednesday through Sunday, and there will be no massages, no nails. All employees will be New York State licensed, and we have to waive parking. Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

On motion of Mr. Madden and seconded by Ms. Hewson to approve the application of 8-10 East Main Street, a barber shop. Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

Roll Call Ayes: David Madden, John Naumchik, Anthony Britto, Nicole Hewson, Dan Higbie, Anthony Capozella.

Mr. Capozella: I should also state that you are in the DMU Zone. Any work you need to do on the façade of the building will have to be through the Architectural Review Board of the City of Middletown.

Mr. Liu: Okay.

**New Inspiration
5 South Street
Herbalife showroom**

Ms. Vegas: Good evening, everyone. My name is Rosa Vegas. What I'm trying to do is I already have a small business, like it's mostly a showroom that I have over there to do like (inaudible) the benefit of the nutrition and to explain them better. We give some information like how to get a better life, you know, like to do a (inaudible), we encourage to eat healthy. It's mostly to help the community and whoever wants, you know, to be healthy, to be in (inaudible), like in summer and different places and to exercise we encourage them, and how we do it is we give samples and (inaudible) and we call individuals to come (inaudible) some of them and whoever wants to get into (inaudible) and nutrition, so we encourage them to become a member of the company and then get the products, and then our job is to then follow up to make sure they do it the right way. So the place what they're going to use is myself, and that's it.

Mr. Capozella: Okay. Thank you. Just a little business. We have the mailings, I assume?

Clerk: Yes.

Mr. Capozella: Thank you. We'll open the public hearing. Anyone from the public wishing to comment on this application, please step forward.

The public hearing was opened.

Mr. Capozella: We'll leave it open, the public hearing open, and we'll move on to the board members for comments and questions. Any comments or questions?

Mr. Madden: This business has been downtown in other locations?

Ms. Vega: I did have (inaudible). I'm going to move over there, and I did -- I came before for one, but that place didn't work because I tried to get the plumber and then I had to put the sink, and the plumbers found it difficult to do the sink over there, so in order to do that I have to, you know, wash my hands and wash the blender. I had to use a blender in order to give the samples, but it didn't work, so I been like four months already, and the owner didn't give me a lease or a key, so then when I bring (inaudible) I had to look for (inaudible), I had to wait for daytime, so I decided to look for a different location, so I found it, so I told the other person that I'm not going to go for that place no more, so I (inaudible).

Mr. Capozella: Okay. What are your hours of operation going to be?

Ms. Vega: It's going to be 6:00 in the morning to 11:00 in the morning, then we close. We reopen like at 5:00 to 9:00 only Fridays, you know, we do entertainment for whoever wants, you know. We do like a little karaoke, and we open till late just on Fridays.

Mr. Capozella: Okay. Is that Sunday, Monday, Tuesday, Wednesday, Thursday, and then Friday you'll stay later?

Ms. Vega: No.

Mr. Capozella: No?

Ms. Vega: The same until 9:00.

Mr. Capozella: 9:00.

Ms. Vega: 5:00 to 9:00. Yeah.

Ms. Hewson: (Inaudible) the whole week?

Ms. Vega: Yeah. The whole week except on Friday will be a little bit later, but Monday, Tuesday, Wednesday, Thursday, Saturday, and Sunday --

Mr. Capozella: How late on Friday do you think?

Ms. Vega: Friday like 11:00 is the most late.

Mr. Capozella: Okay.

Ms. Vega: Yeah.

Mr. Capozella: Okay.

Ms. Vega: We (inaudible) like a thing sometimes.

Ms. Hewson: And you'll be selling, you'll be selling the product.

Ms. Vega: No.

Ms. Hewson: Oh, you don't sell the product?

Ms. Vega: What we do is entertainment, you know, whatever people might come over there.

Ms. Hewson: Entertainment?

Ms. Vega: Yeah. We do like karaoke, maybe a little like -- and we give samples, and then whoever wants.

Ms. Hewson: So people buy.

Ms. Vega: Like letting people, you know, have (inaudible) from work all week, and instead they go to the bar. We encourage them to come to sing.

Ms. Hewson: I see.

Ms. Vega: It's just for like a -- that's why we do it. Like a little social for them.

Mr. Welch: The board approved this once before. She just did her opening. She's just relocating.

Ms. Hewson: That's what I thought. Okay.

Mr. McCarey: It was approved before. It's like a Tupperware party but for health stuff.

Mr. Capozella: As far as assembly, you'll determine the occupancy according to square footage for her?

Mr. McCarey: It'll be a B occupancy because it'll be lower than 50.

Mr. Capozella: Okay. All right. Any other questions or comments from the board? Yes, Mr. Madden.

Mr. Madden: Will the public, as they're walking by your location on South Street, be able to see into your location?

Ms. Vega: The public?

Mr. Madden: Yes. If I'm driving down South Street, will I be able to see in your window, or will the window be blocked with a green curtain?

Ms. Vega: We always put the green curtain because that way people not (inaudible).

Mr. Capozella: Okay.

Mr. Naumchik: Adam, is that code to cover the windows completely? I thought that that was against code.

Mr. McCarey: Well, it'll be a window treatment and the percentage of it that covers basically the entire wall for the whole area is going to be minimal.

Mr. Madden: So it can be done.

Mr. McCarey: So it can be done if they're not actually covering the window. It's more like a window treatment. If it's a city issue, that I'm not sure about, but for the fire code, one curtain would be fine.

Mr. Capozella: It'll still be under the inspection of the DPW, so whatever the code calls for.

Mr. McCarey: And I'll double check that.

Mr. Capozella: Okay.

Mr. Naumchik: Because I understand what Mr. Madden is saying, the windows are completely covered.

Mr. Capozella: I understand too, so whatever is in the code, let's just make sure we --

Mr. Higbie: Is that something that's architectural since this is part of the --

Mr. Naumchik: It's a window treatment. It's inside, it's not outside, so --

Mr. Capozella: Right.

Mr. Higbie: Why do you cover it? Isn't it -- wouldn't it be more beneficial for you to be able to see in and see your products and --

Ms. Vega: No. It's because, you know, like we do the workshops and we're not open to the street, like in some places you do (inaudible) like over there, what we do is I am an independent distributor of Herbalife, but what I do is when I do the -- I do home (inaudible). I encourage them to become a member, but the window -- the room is mostly like, as I explained it, to help people and explain better how they're going to get benefits from the (inaudible).

Mr. McCarey: There's not going to be like a showroom? It's more of a workshop room?

Ms. Vega: Yes. We show the products and we give samples.

Mr. Croughan: Well, on the attached drawing --

Ms. Vega: We use a blender. We use a blender to give little cups, samples, and whoever like -- we have a lot of people that they get a lot of different (inaudible). Some ladies lose 50 lbs., other people 30 lbs., 20, 15. It's mostly to help, you know, if they want to be strong, they want to lose weight, they want to be healthy. We also explain them -- encourage them how to eat better. It's mostly to help the community to be healthy, to be active, not to stay home watching TV, like to go run, to the park, like to go run, and when the weather gets better, I encourage people to go run with me. I go run every -- in the park or in the street.

Mr. Capozella: Okay. Thank you.

Ms. Vega: So they become thin and healthy.

Mr. Capozella: Okay. I think we all have the general concept of what's going on, so I think as far as the window treatments are concerned, whatever the DPW inspection comes about, if you have to open the window partially, it can't be closed, you have to at least abide by those rules. There was an issue, and just to make sure there was a clarification, anything that -- I wasn't sure if I heard anything about worship. I don't know what that meant.

Ms. Vega: Workshop.

Mr. Capozella: Yes.

Ms. Hewson: Workshop, not worship.

Mr. Capozella: Workshop. I apologize. Okay. I just heard something like worship, I said, oh my goodness. Okay. No. That's fine. I apologize. I just didn't hear it properly.

Ms. Vega: I must not speak clearly. Sorry.

Mr. Capozella: No, no. That's not your fault. All right. I'm okay. Any other comments or questions from the board? I'll go back to the public hearing momentarily. Anyone from the public wishing to address the applicant, please step forward.

The public hearing was closed.

Mr. Capozella: We're going to set the resolution up now.

The resolution will be, of course, to waive parking. Anything done to the façade since you're in the DMU Zone will have to go through the Architectural Review Board and the City of Middletown. Now, the hours of operation. Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday, 6:00 a.m. to 11:00 a.m., 5:00 p.m. to 9:00 p.m. On Friday, it's 6:00 a.m. to 11:00 a.m. and 5:00 p.m. to 11:00 p.m.; correct?

Ms. Vega: Yes.

Mr. Capozella: Okay. So to make sure we get that right, we have to put that in the resolution so that our inspectors know what time you're supposed to be operating.

Ms. Vega: Okay. Thank you.

Mr. Capozella: All right. And we waived parking. I need a motion.

On motion by Ms. Hewson, seconded by Mr. Higbie to approve the application of New Inspiration, 5 South Street, Herbalife showroom. Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

Roll Call Ayes: David Madden, John Naumchik, Anthony Britto, Nicole Hewson, Dan Higbie, Anthony Capozella.

Abjo Realty Corp.

**17-39 Midland Avenue Ext., Bldg. #9
a distribution and warehouse facility**

Mr. Eisdorfer: How are you?

Mr. Capozella: Good. Yourself?

Mr. Eisdorfer: Israel Eisdorfer, Abjo Realty. Happy New Year.

Mr. Capozella: Happy New Year. Do we have their mailings, Ms. Tu?

Mr. Eisdorfer: Yes.

Clerk: Yes, we do.

Mr. Capozella: Thank you.

Mr. Eisdorfer: We got the building on the (inaudible), which is the movie studio. I want to put in a tenant from building 55 to the studio for a couple months.

Ms. Hewson: I apologize. I was unable to hear you. Can you please repeat that?

Mr. Eisdorfer: I got a tenant which does Amazon.

Ms. Hewson: Oh, okay.

Mr. Eisdorfer: And he's in building number 55, which building 55 got approved for the golf carts last month. We can do the E-Z-GO golf carts. They're going to go into building 55, and all that the tenant should have a place where to go because the golf carts are going to go in 45. That's (inaudible), so instead of fighting with him staying in the building and dropping the new tenant, I'm going to put him into the studio for a couple months until he finds a place.

Ms. Hewson: But number 9 is a movie studio.

Mr. Eisdorfer: Yes.

Ms. Hewson: Okay. I didn't know that.

Mr. Capozella: So you're just moving your tenants around; okay?

Mr. Eisdorfer: Trying my best.

Mr. Croughan: Is this a request for temporary or --

Mr. Eisdorfer: It is going to be temporary, but it's -- if it's going to stay longer, it's going to be longer. The building is approved, it's a zone. It's zoned for warehouses. (Inaudible), Middletown after a year, which is vacant. Gotta go through the Planning Board, even if it's allowed.

Mr. Capozella: Okay. Let's open the public hearing.

The public hearing was opened.

Mr. Capozella: Anyone from the public wishing to step forward and comment on the application? Okay. We'll move on to the board. Any comments or questions from the board? Mr. McCarey.

Mr. McCarey: Israel, are you going to change the layout of the bathroom? That's different on your drawing than what's actually in the building.

Mr. Eisdorfer: Oh.

Mr. McCarey: So that's going to change, and then the mezzanine area where the offices are, I see you removed a set of stairs. Is that going to be changed there?

Mr. Eisdorfer: I don't think --

Mr. McCarey: Everything's staying the way it is currently?

Mr. Eisdorfer: Yes.

Mr. McCarey: Okay.

Mr. Capozella: And just so everyone knows, the plans you got in the packet, building number 9 was not noted, okay. Your parking was not noted on the plan that you gave us in the packet either, but what we're going to do is we have a global plan that we have started, and building number 9 already has approval and marked. On that global plan, there are 10 parking spots already approved to the approximate south of the building in the front, so since we don't have that in this packet, if you're okay with that, we're going to go with the previous approval of 10 parking spots.

Mr. Eisdorfer: That's enough.

Mr. Capozella: And we'll leave that in the resolution, so that'll just go through, and you know that we have to sooner or later finalize that global plan.

Mr. Eisdorfer: I don't know what happened. I'm ready.

Mr. Capozella: Yeah. We'll have to get together one more time.

Mr. Eisdorfer: It's not in my hands. I'm ready for you all the time.

Mr. Capozella: Great. Thank you very much. All right. So that's just so everyone, it's not clear in your packet, but we do have a global plan, and there has been a past approval of parking and a layout of parking for building number 9, just so everyone knows, and that's what we're going to stay with. Any other questions?
Mr. Madden.

Mr. Madden: Is the movie studio still going to be active in this building while the --

Mr. Eisdorfer: No. While the -- no. I'm going to be showing them. If somebody wants to see the building, I will show them.

Mr. Madden: But if they want to use it as a movie studio.

Mr. Eisdorfer: No. The next three months, no.

Mr. Madden: Sounds temporary.

Mr. Capozella: Well, my understanding would be once we approve this --

Mr. Higbie: No more movie theater.

Mr. Capozella: No more movie theater, or movie studio. It becomes Amazon distribution center.

Mr. Welch: You have to come back again. That's all.

Mr. Capozella: Right. You'll have to come back again.

Mr. Eisdorfer: To be a -- for a movie.

Mr. Capozella: Right. To do the movies. Yes. You just changed your permit. Understood?

Mr. Eisdorfer: Yup.

Mr. Capozella: Okay. Yes, Mr. McCarey.

Mr. McCarey: Just for a point of interest on the site plan, the bathroom layout is not as submitted and neither is that mezzanine area where it says office. Just so you know that this, what's submitted, is not really what is actually there now.

Mr. Capozella: Okay.

Mr. McCarey: It doesn't matter using and then changing.

Mr. Capozella: Right.

Mr. McCarey: The buildings fully sprinklered with a fire alarm, so it doesn't change anything on code, but just so you know.

Mr. Capozella: Okay. And that can be addressed, again, through the inspection process. That's fine by us. Our privy is not always the interior of the building and the layout of the bathrooms and walls and that necessarily but more the site plan.

Mr. McCarey: Just says plan.

Mr. Capozella: No, no. That's fine. Thank you. That's good to know. This way, it may need to be changed. Mr. Eisdorfer was talking about the goal parking plan.

Mr. Croughan: Just parking.

Mr. Capozella: Just parking. Right. We're trying to make it easier for our code enforcement people that when they get here they have one plan with all the buildings and all the parking required; okay? So we do mention that plan in all the applications of that, and they become part of the record.

Mr. Eisdorfer: Okay.

Mr. Capozella: And the other point it, I guess you'll be open daily, Monday

through Friday, 9:00 a.m. to 5:00 p.m., and closed Saturday and Sunday; is that correct?

Mr. Eisdorfer: What's that?

Mr. Capozella: Your work hours, they'll be daily Monday through Friday, 9:00 a.m. to 5:00 p.m.?

Mr. Eisdorfer: They work sometimes till 6:00.

Mr. Capozella: Then let's put it to 6:00 so that we have no issue. 9:00 a.m. to 6:00 p.m.

Mr. Eisdorfer: Sunday they're closed.

Mr. Capozella: Sunday and Saturday closed?

Mr. Eisdorfer: Yeah.

Mr. Capozella: Okay.

Mr. Eisdorfer: Friday till 1:00. Friday till 1:00.

Mr. Capozella: Okay. Well, we'll leave it all 9:00 a.m. to 6:00 p.m. This way if something happens, you need to work, you'll be clear; all right? Okay. Back to the public hearing. Anyone wishing to address this application, please step forward. Close the public hearing.

The public hearing was closed.

Mr. Capozella: Anyone else from the board, any last comments or questions? Okay.

Resolution for Abjo Realty Corp., 17-39 Midland Avenue Ext., Bldg. #9, a distribution and warehouse facility, which will be operating daily, Monday through Friday, 8:00 a.m. to 6:00 p.m., and will be closed Sunday and Saturday. Parking is in order unless there's a change of course, this will always be under the inspection of the DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

Mr. Croughan: Are you going to make it subject to the parking as per the plan?

Mr. Capozella: I can. It's already in place, but they'll be subject to -- the parking will be as per the global plan and the original application for Bldg. #9, which will be 10 parking spots to the south, approximate south of the building and in front of the building as the Bldg. #9.

Mr. Eisdorfer: Yup.

Mr. Capozella: Okay? Thank you.

On motion by Mr. Naumchik, seconded by Mr. Madden to approve the application of Abjo Realty Corp., 17-39 Midland Avenue Ext., Bldg. #9, a distribution and warehouse facility. Subject to DPW and Middletown Fire Department and through the permitting process of the City of Middletown.

Roll Call Ayes: David Madden, John Naumchik, Anthony Britto, Nicole Hewson, Dan Higbie, Anthony Capozella.

Motion to adjourn by Mr. Naumchik, seconded by Mr. Britto.

Roll Call Ayes: David Madden, John Naumchik, Anthony Britto, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Anthony Capozella.

Adjourned 7:41 p.m.

Respectfully Submitted,

Diane Genender, Transcriber