

**CITY OF MIDDLETOWN  
PLANNING BOARD  
MINUTES**

**June 24, 2020**

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on June 24, 2020 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, John Naumchik, Vanessa Cid-Morales, Nicole Hewson, Dan Higbie, Dave Madden, Andy Britto.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Adam McCarey, Fire Inspector; Gef Chumard, Planning Board Engineer.

The Pledge of Allegiance was said.

Motion to approve the March 4, 2020 minutes by Mr. Britto, seconded by Mr. Madden.

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.

**Kevin Henessey  
108 Prospect Avenue  
2-bedroom apartment (2<sup>nd</sup> floor)**

Mr. Capozella: Martina, do we have the mailings?

Clerk: Yes, we do.

Mr. Capozella: Just explain your intent this evening.

Mr. Henessey: So I'd just like to turn a space that I have on the second floor of a commercial building that's in Middletown to an apartment. Currently it's not being rented, but I just wanted some (inaudible) to allow for that. I provided a drawing (inaudible).

Mr. Capozella: I believe so.

Mr. Hennesey: There's already two rooms existing in the front of that second floor premise. (Inaudible) up on the left. There's another one (inaudible) common area. There's a (inaudible) that's already there. There's already been plumbing up to that (inaudible) on the side wall. There's water lines (inaudible) everything there. (Inaudible) kitchen sink. That kitchen area that I had designated there in the back room. All those dividers and walls are already existing. It's very minimal or minor (inaudible) work that needs to be done from what I can see.

Mr. Capozella: Before we go any further, I'm going to open the public hearing. Anyone from the public wishing to address this application, please step forward.

*The public hearing was opened.*

Mr. Capozella: Martina, do we know if anyone has called in or is present downstairs that would like to attend this public hearing?

We're going to leave the public hearing open for now. We're going to go to the Board members for any questions or comments.

Yes, Mr. Naumchik.

Mr. Naumchik: Mr. Hennesey, did the Inspector check the second floor?  
(Inaudible) Walter.

Mr. Hennesey: Fire Inspector?

Mr. Naumchik: Building Inspector.

Mr. Hennesey: I had met with him about a year ago outside of the premise and walked around (inaudible) years ago (inaudible) purchased the building. (Inaudible) actually a year ago told me that I (inaudible), but finally went through it. I had spoken with Adam, the Fire Inspector as well. He's been down there (inaudible) back in like January. I was going through a lot of things with him, you know, these checklists, you know, updating some things, so he (inaudible) here and there, makes notes, so I've been working with him, you know, as well.

Mr. Naumchik: Has he (inaudible) driveways on here? On your drawing? Is that where the tenants are going to park?

Mr. Hennesey: Those areas area actually for the building next to me, so you go on the inside of those, inside of that building, (inaudible).

Mr. Naumchik: (Inaudible) you park on the street? Where are they going to park?

Mr. Hennesey: Parking all on the street.

Mr. Naumchik: No. Not between a certain time.

Mr. Hennesey: On East Main Street as well?

Mr. Naumchik: All the streets in Middletown. November 15<sup>th</sup> through April 15<sup>th</sup>. Certain times it's waived, but (inaudible).

Unidentified: I don't know. Can we waive that?

Mr. Capozella: (Inaudible) a legal area (inaudible). I'm not sure that that's even our responsibility. If he rents to somebody, park on the street, and if they have to make accommodations for themselves, that's up to them. I don't think that's our jurisdiction to dictate.

Ms. Hewson: My comment was in align with what Mr. Naumchik said because the public safety (inaudible), and that corner already has a lot of parked cars, and there are traffic concerns. It's very difficult to see pedestrians, and it's also very difficult to make that turn coming into it from Main Street. In fact, I remember when the restaurant that's now there came in, No Parking signs were put right in front of there on the opposite side of the street. I want to make that known.

Mr. Hennesey: Yeah, I know. Like there's no like spots around the corner there, you know, from our building, but (inaudible).

Ms. Hewson: There's actually no parking there. It was actually in front of our Planning Board several years ago, and those No Parking signs were put in at that time.

Mr. Hennesey: Yeah. I know the neighbor guy, landlord, that always (inaudible) spots there, and he also has some (inaudible) in the back. I know he does have them for rent as well (inaudible) and see if I have, you know, one tenant upstairs that can park his vehicle, you know, in the garage (inaudible).

Mr. Capozella: (Inaudible) parking, just so you know, any notes that that you have on your plan here that says street parking, that's null and void. We really don't consider that because it's not (inaudible) nor ours in some respects. We'll have to waive parking though in the resolution.

Any other questions from the Board?

Mr. Madden: (Inaudible). Like I feel like we need to protect the, you know, future tenants of this place who are they going to be aware coming in if they rent an apartment in August that (inaudible) don't have anyplace to park and maybe some advice (inaudible) Mr. Croughan as to our responsibilities, but that's a big concern of mine.

Mr. Croughan: Well, the applicant can, as he said, can go to the neighbor and see if he can get an easement for parking or some kind of license to allow for parking, and if the Board is inclined to have that as a condition, he can certainly come back next month with what he finds out.

Ms. Hewson: I have a question about that. (Inaudible) property itself, but (inaudible) becomes null and void if he sells the property (inaudible).

Mr. Croughan: Well, if it's an easement, that would run with the land.

Ms. Hewson: Okay.

Mr. Croughan: If it's a license, that can be terminated.

Ms. Hewson: Okay. But then the apartment would still exist, and then there would be no parking.

Mr. Croughan: Well, you can make it subject to there being a license or an easement.

Ms. Hewson: Thank you.

Mr. Croughan: You're welcome.

Mr. Britto: We've often waived parking through this Board, but we've never made parking mandatory. (Inaudible). I think Dave was saying that is that in our purview now, or is that something we can or should, or is that up to the landlord to now put that in his lease agreement to make it known that's it's not (inaudible) protecting the City. (Inaudible).

Mr. Croughan: Well, you're allowed to consider all the factors, and in any particular case if you feel that there's a need, you're allowed to raise that, and if there is municipal parking that's more broadly available in a certain area and they would have access to it, then you may not -- you may be able to waive the parking.

Mr. Britto: Do we know of the closest municipal lot to that?

Mr. Capozella: There are no municipal lots nearby. There is parking available if Mr. Hennessey said they could to someone and make an agreement. There is the parts store, CVS, there's a huge parking lot there, but that owner has expressed in the past that he's not real happy with people parking there. Could they go and make an agreement? That would be fine. It would be their agreement, not ours.

Unidentified: Enforcing of that would be impossible.

Mr. Capozella: If it was a commercial space, you'd still have the same problem, so it's just a matter of how the Board feels about it. (Inaudible) Mr. Madden's viewpoint. It is a tenant issue also, but --

Mr. Higbie: It's Dan Higbie. I can recall for commercial, I can recall that they were somehow allowed to use the lot diagonally across the street and come down the stairs. I remember we made some kind of a, you know, exception I guess or something because the City maintains that part of the lot or something. I'm not sure if you know anything about that.

Mr. Capozella: Not to my knowledge, Mr. Higbie. No. The City has nothing to do with that dollar store, auto place, and CVS. The City has no jurisdiction there whatsoever.

Mr. Britto: My concern is November to April (inaudible).

Mr. Capozella: Yes. Whatever restrictions the City has between those months, yes.

Mr. Madden: (Inaudible) because the current project wouldn't be open from 2:00 a.m. to 6:00 a.m. or whatever the no parking orders on the street are.

Mr. Capozella: Well, we don't know that for a fact, but you're probably correct. (Inaudible). I don't know how the Board's going to feel about it, how they'd react. We're going back to public hearing.

Miss Tu, have you received any phone calls or anything from anybody outside?

Clerk: No.

Mr. Capozella: I'm going to close the public hearing then. Hearing was held open to check for any 'virtual' comments.

Mr. Croughan: Is there anybody virtually that's appearing?

Mr. Capozella: Miss Hanson, is there anyone virtually appearing from the public that would want to comment on this application?

Ms. Hansen: At this time, no one requested to speak. They have (inaudible) if they would like to speak to let me know so I can unmute them, but they have not asked to be unmuted at this time. Anyone online, if you would like to speak, please message me.

Mr. Capozella: Mis Cid, do you have any concerns or comments? I know virtually I can't see you, so if you have any comments, feel free.

Mr. Croughan: Before you close the public hearing, if the Applicant -- if the Board decides that they want the Applicant to go and check out an easement, then I think we should keep the public hearing open.

Mr. Capozella: Okay. Thank you. Mr. Higbie, anything else you'd like to comment on?

Mr. Higbie: No. No further comments. Thank you.

Mr. Capozella: Thank you. I'm just going to ask the Board outright. Do you have a feeling about this? Parking seems to be an issue. Mr. Madden (inaudible).

Mr. Madden: (Inaudible) easement or something, a license, would be (inaudible)

Mr. Capozella: Okay. Mr. Naumchik?

Mr. Naumchik: (Inaudible).

Ms. Hewson: I agree (inaudible) and I do feel that public safety is a concern at that intersection and to add more cars to that could cause more problems.

Mr. Capozella: Okay. (Inaudible).

Mr. Britto: I don't have any concerns the parking. (Inaudible). I know we do it on a case by case basis. I'm just presuming that the landlord won't let him know -- that the tenant won't know that there's parking requirements.

Mr. Capozella: Mr. Higbie, any concerns?

Mr. Higbie: No. It seems to me like we would have a lot of apartments in the City of Middletown that doesn't have parking that comes with, you know, I have friends that rent on North Street that, you know, doesn't have parking. You know, there are municipal lots, but no, I don't have any concern that there's no -- I mean, obviously if their tenant parks on the street overnight and it's illegal, they'll get parking tickets and they'll get asked by DPW or by the City police to move their cars. I'm sure when he goes to rent it, he'll have to let the person know, you know, but I feel that there's a lot of apartments in Middletown that doesn't have off-street parking.

Mr. Capozella: Okay. Miss Cid, any concerns?

Ms. Cid-Morales: Just the same concern that Mr. Higbie has with parking, but I myself live on North Street and we rely on municipal parking, so thank you.

Mr. Capozella: My basic feelings are with Mr. Britto and Mr. Higbie that parking is not always our concern. As far as the tenant's concerned, I know that doesn't sound fair, but what will happen in my opinion is that if you're a renter and you go to Mr. Henessey's apartment, you find out that he will ultimately tell you that you can't park at certain times, you're not going to rent from Mr. Henessey. So Mr. Henessey I imagine will be the bearer of the brunt of it unless someone rents your apartment with no vehicles. It is possible in today's world, but Mr. Henessey would be the one that would bear the brunt of the no parking issue.

Mr. Higbie: I'm sorry. I was just going to say that I agree with you. I have several tenants that don't have cars. You know, the college is right there. You may get somebody that walks to the college to go to class, or you may get somebody that relies on public transportation. Right in front of the -- on Prospect and East Main Street there's a bus stop there. You might get somebody that, you know, that relies on the transit bus or something.

Mr. Capozella: Okay.

Mr. Croughan: Adam hasn't given us any comments yet.

Mr. Capozella: Would you like to comment, Mr. McCarey?

Mr. McCarey: I spoke with Mr. Henessey a few times about this property. I did the calculations on the total occupancy. He can have no more than four people in that apartment. I agree with Mr. Britto and Mr. Higbie that parking shouldn't be an issue because there are a lot of people, a lot of residents, in Middletown who don't

have vehicles. They rely on the public transportation (inaudible) right down the road, so parking would be up to him as a landlord to figure that out. I agree with that, and there's only four people, so however you do your calculations based on the number per the number of people, you're only calculating for four people. That's compared to the previous business that would've had six or eight cars looking for spots. You're actually reducing the required number of spots based on this change of use, so it actually could be less. Other than that, we have no other issues. There's a barbershop on the first floor, so there's really no separation issues, and I believe at one point this was an apartment and then it was -- the use was changed to a recording studio and then now (inaudible) back to the original use which is a residential upstairs.

Mr. Capozella: That's a fair point that originally it was an apartment and barbershop, and now it's going back to that. It was a recording studio as you stated, and now going back to an apartment.

Mr. McCarey: Correct.

Mr. Capozella: Well, my feeling is that there could be four votes for and obviously there could be three against. I defer to you, Mr. Hennessey. We could have a vote. It could be defeated or it could be moved on. It's a possibility. Or do you want to try to get some type of deed or lease agreement with your neighbors. I leave that up to you.

Mr. Hennessey: I mean, I can reach out to him. I see him down there a lot. (Inaudible), but yeah. (Inaudible).

Mr. Capozella: Did you want to try and get the agreement (inaudible). You would have to know that so that it would go with the tenants that used to own the property, but something happened that (inaudible) would still have the right to park. So I'm going to really defer to you at the moment. If you want to come back with attempting to get an easement on it, we can have a vote.

Mr. Hennessey: When's the next meeting?

Mr. Capozella: The next meeting would be July 8<sup>th</sup>. It would be allowed on, in my opinion, because there's no mailing, no nothing. The public hearing is open, and you would be more than welcome to come back to the July 8<sup>th</sup> meeting, even if you're not, vote or not. Wherever, you know, the chips fall.

Mr. Hennessey: I mean, can you vote right now on that?

Mr. Capozella: I could open it up right now for voting. If it's defeated --

Mr. Croughan: You'd have to close the public hearing.

Mr. Capozella: Right. If it's defeated, he has to start all over again.

Mr. Henessey: How does that work?

Mr. Capozella: Well, if you were defeated this evening, you would have to come back. You know what we're looking for, so you would have to come back with those agreements in place for the Board to be --

Mr. Croughan: Go through the application process.

Mr. Capozella: The application process again, the whole nine yards. Or we adjourn this evening, you have time to go see if you can gain those easements, come back on July the 8<sup>th</sup>, and vote, you know, vote at that time.

Mr. Croughan: And you still might be in that same position because you might not be able to get the easements.

Mr. Henessey: Can you vote, if possible?

Mr. Capozella: We can vote now. That's fine. I have no issue with that. That's why I opened it up.

Mr. Henessey: I appreciate it.

Mr. Capozella: No problem. All right. So now I'm going to close the public hearing.

*The public hearing was closed.*

Mr. Croughan: There being no further comments from the public --

Mr. Capozella: Miss Hansen, there's no other comments from the public that you know of; right?

Ms. Hansen: No. There is no other comments.

Mr. Capozella: Okay.

Mr. McCarey: I want to make a quick note.

Mr. Capozella: Sure.

Mr. McCarey: If he is approved for this, you understand before they occupy it, he has to go get a rental permit through the DPW process before you have that apartment occupied. I just want to make that clear.

Mr. Capozella: Yeah. Well, I have to read the whole thing about DPW and everything else. That's fine.

On the resolution for 108 Prospect Avenue, converting the top level to a two-bedroom apartment. We're going to have to waive parking. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes and ordinances of the City of Middletown and the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Motion by Mr. Britto, seconded by Mr. Higbie.

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

Roll Call Noes: 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.

**Cynthia Alicea**  
**1 Sprague Avenue**  
**2-bedroom apartment (2<sup>nd</sup> floor)**

Mr. Capozella: This is on 1 Sprague Avenue. This is for a place of worship. Please take your face mask off when speaking into the microphone.

Ms. Alicea: No problem.

Mr. Capozella: Please state your name and address and you intention.

Ms. Alicea: My name is Cynthia Alicea. My address is 138 Benkard Avenue, Apartment 2, Newburgh, New York 12550.

Mr. Capozella: Martina, do we have the mailings?

Clerk: Yes, we do.

Mr. Capozella: What's your plan?

Ms. Alicea: We want a house of worship. We want to be able to go in, worship the Lord, have the youth also join us, worship, have (inaudible) practice. They're now being limited of the time where they can practice. Worship for the Lord, that's mainly our goal.

Mr. Croughan: When you say practice, are you talking about practice your faith or is it some other practice?

Ms. Alicea: Well, practice where they have like a special service, they could go in the day before and practice a song they want to sing, or if we have an activity. Normally we have our activities in Syracuse or the Bronx, so when they have a special part they would like to practice, and we just want to get together, have them practice without being limited of the time, like oh you have to be out of (inaudible) at this time or going to the houses where children -- there's other children around and they can't concentrate.

Mr. Capozella: I'm going to open the public hearing to other additional questions. All right. So at this point in time, I'm going to open the public hearing. All those from the public wishing to address this application, please step forward.

*The public hearing was opened.*

Mr. Capozella: Have you heard from anyone at all, Martina?

Clerk: No.

Mr. Capozella: We'll give Miss Hansen a chance --

Mr. Croughan: We did get an email.

Mr. Capozella: Give Miss Hansen a chance to see if anybody is online.

Mr. Naumchik: Mr. Chairman, does she have her mailings?

Clerk: Yes.

Mr. Capozella: Okay. I'm going to read into the public record an email. It's Helen Zeman. She lives at 12 ½ Myrtle Avenue.

Dear Board, I am a home owner at 12 ½ Myrtle Ave, just above the proposed church at 1 Sprague. I am concerned about parking for the proposed church. There is very little off street parking and on street parking (in a congested area with 2 intersections) does not begin until half a block from the proposed church. Please call me with any questions 341-1352. Sincerely, Helen Zeman

It's part of the public record.

Miss Hansen, have you heard from anyone at all?

Ms. Hansen: Not yet.

Mr. Capozella: Okay. We'll come back. We're not going to close the public hearing.

Ms. Hansen: Okay.

Mr. Capozella: We'll move on to the Board members for questions and comments.

Mr. Madden: We're discussing or suggesting that you want a place for people to practice without time constraints. Well, I mean, it is a residential neighborhood, so I mean, are you going to have a choir practicing at all hours? I mean, so what kind of hours were you thinking?

Ms. Alicea: Right now, we only have two (inaudible), probably 7:00 at night to say 9:00 at night. We understand children, they got school, we've got school. I have two boys of my own, so we do not go above 9:00, 9:30, understanding that we're going to have residents above us and on the side of us. We're just 25 members, and (inaudible), so we just want them to practice their time but it does not require a big (inaudible).

Mr. Capozella: You said two days?

Ms. Alicea: Two days.

Mr. Capozella: What days are those?

Ms. Alicea: Tuesdays from 7:00 to 9:00, Thursdays from 7:00 to 9:00, and Saturdays we do our bible study and our service altogether, so we do like from 10:00 in the morning, and then we take a break at about 11:30. We eat donuts, we drink coffee, we get soda, juices, snack, and we begin our service. So basically it's like 3:00 so they get a little time to clean up and leave everything clean for the next Tuesday service.

Mr. Capozella: Then the service would start at 3:00 p.m.?

Ms. Alicea: No. It starts at 2:00. We take a break from 11:30 to say 12:00, so we'll start around 1:00, and then we go on. We're not going to be there more than 5:00.

Mr. Capozella: All right. So on Saturday, it's a possibility, if I'm understanding this correctly, 10:00 a.m. to 6:00 p.m. possibly.

Ms. Alicea: They just schedule time in between to clean and leave everything cleaned up. We don't want to leave a mess. Make sure the coffee is off and everything's been taken care of.

Mr. Croughan: So you're only going to utilize the building three days a week?

Ms. Alicea: Unless we have a meeting, but it's not going to be like a public open. It's my myself, my husband, which is the pastor, and the members, like the deacon, the co-pastor, and any member that has an issue they want to resolve, a problem for anything that's going on. But to the public, we're only going to be open three days a week.

Mr. Capozella: And just a reminder, you do know that even though you have provided numbers, but the Fire Inspector for the City of Middletown will truly determine your occupancy. (Inaudible). I don't know if Mr. McCarey's had a chance to even look at that or figure that out yet. Have you had a chance to even look at this, Mr. McCarey?

Mr. McCarey: Yeah. I was there when they first decided they wanted to do this with the property owner (inaudible). We roughly calculated where it would be (inaudible). It's all contingent on all those things to actually get a final calculation. For Code purposes, we're going to scheme under 50 is guaranteed, so (inaudible). They'll be aware of that moving forward for Mr. Atkins. And I don't know (inaudible).

Ms. Alicea: We will not be having tables. The only table we'll have is in the back to hold the snacks. All we're going to put is chairs and a little stand like this one in the front.

Mr. McCarey: And you'll have to submit just a quick drawing like that floor plan that you have. You're going to show Mr. Atkins where those chairs are and then just your requested number of occupancy, and then it'll be either approved or denied or recalculated for you.

Ms. Alicea: Okay.

Mr. McCarey: Okay? And then I'll give you the (inaudible).

Mr. Capozella: These additional meetings you were speaking of, when might they normally take place? Because I think I'm going to have to add to the resolution possible meetings so that when somebody drives by, an Inspector drives by, and they see the lights on or something is going on. Do these meetings normally take place at night or Saturday, Sunday?

Ms. Alicea: Well, my husband and I, we both work, so it'll vary with our schedule. I work in the mornings, he works at night, unless it's a Tuesday or a Thursday or a Saturday. Normally we'll try to do it before the service or Saturday in between where we don't have to be out and over if we do it during the day. It will not be at night. It'll be during the day.

Mr. Capozella: Okay. And as far as the snacks, there'll be no cooking on-site.

Ms. Alicea: No. We like to cook at home. We like to have our meals. We actually leave from when we finish our service, we go to our co-pastor's house. That's where we get together when everything's over and we're going to get together again. That's where we'll get together and everybody takes their food. There will be no cooking on the site.

Mr. Capozella: Okay.

Mr. Croughan: And there was a parking concern that was raised. Approximately how many people would be dropping off kids or staying, so how many cars would be coming to the area?

Ms. Alicea: Right now, there's six cars. There's six families, six cars. Some of them go with their grandmother, like three of them goes with their grandmother, so

there's six cars in total.

Mr. Croughan: Thank you.

Ms. Alicea: You're welcome.

Mr. Capozella: The only thing that concerns me a little bit is Saturday because of the parking situation. You're there for almost eight hours or better, parked, and of course, that means on a Saturday, all that street parking is taken up.

Mr. Croughan: Is there any parking available on the site at all?

Mr. Capozella: He has tenants there. He has a two-bedroom and a one-bedroom going in there, and that would be for his tenants. There's not enough parking for the church also. Is there on-street parking? Yes. For six cars? Yes. But it is for an eight-hour period. Is there any way you could -- I don't know if I can (inaudible). Never mind.

Also, I don't want to sound ignorant, but are you using any alcoholic beverages during your meetings or services?

Ms. Alicea: No. Not at all.

Mr. Capozella: All right. I'm just going to put no alcoholic beverages.

Ms. Alicea: No. Not at all.

Mr. Croughan: Mr. Higbie or Miss Cid have any comment?

Mr. Capozella: I don't know if they heard you or not. Miss Cid, do you have any comments?

Ms. Cid-Morales: (Inaudible).

Mr. Capozella: Say again, please.

Ms. Cid-Morales: No, not at this time.

Mr. Capozella: Okay. Mr. Higbie?

Mr. Higbie: I decline too. Thank you.

Mr. Capozella: Okay. Miss Hansen, have we had anybody online that wants to chime in?

Ms. Hansen: We do not.

Mr. Capozella: Miss Tu?

Clerk: No.

Mr. Capozella: All right.

Mr. Croughan: Adam, did you have any comments?

Mr. McCarey: Just the same as the resolution would read. It was in the other one that, you know, once you are ready for the business to open, you would contact us for (inaudible), and then that's it.

Mr. Croughan: Anything from Mr. Welch?

Mr. Capozella: I don't know. He'll be there when -- once the approval is made, he'll have to go anyway regardless, so, Mr. Welch, as far as inspections, if there's anything to look at.

Mr. McCarey: Unless they do anything to the structure that requires a Building Permit, you probably wouldn't contact the Building Inspector.

Mr. Capozella: Right. And according to the plan, there's no intention of work on the inside.

Okay. I'm going to close the public hearing then.

*The public hearing was closed.*

Mr. Capozella: I'm going to move on to the Board once again just for any final comments or questions. Yes, Mr. Naumchik.

Mr. Naumchik: The entrance is in the front of the building?

Ms. Alicea: Yes.

Mr. Naumchik: I see here steps to grade to go in. Is there another way out, or it's just one way?

Ms. Alicea: There's a back way, which my husband and I will be the only ones using that way in, and then there's a main entrance for the public.

Mr. Naumchik: Because, Adam, this would be like a place of assembly; correct?

Mr. McCarey: That, in theory, yes. However, the number of people that are using that, it would be considered a B occupancy. Only one exit, one means of egress, would be required, so that rear entrance could be just for service only, which seems like the applicant's intent anyway.

Mr. Naumchik: All right. So that's not an issue.

Mr. McCarey: No.

Mr. Naumchik: No? Okay. And I'm just a little concerned about the people above you, that with the noise or whatever, are concerns that I have.

Ms. Alicea: We don't have any, like the only one playing will be my son. He plays the drums. That's the only musician we have, and it's like he's a beginner on it, he's still learning on it, but if -- I think he did speak with them and let them know. I'm not sure if he did or not explain to them we were going to have a place of worship there. He did tell me they speak Spanish, and that's our primary language, Spanish. We'll be doing Spanish and will translate for the youth.

Mr. Britto: So there won't be any like live bands or anything; correct?

Ms. Alicea: No. No. Not at all.

Mr. Britto: No noise or anything?

Ms. Alicea: No.

Mr. Britto: Because it would be the same issue with any of the neighbors because it's pretty close around there.

Ms. Alicea: No. All we have is our drummer and sometimes the person that we have, we take the keyboard, and that's basically all we have. It's not like a guitar, no band, no nothing out of the extraordinary.

Mr. Britto: Okay. There is a noise ordinance in the City of Middletown, just so you know that too.

Ms. Alicea: Okay.

Mr. Britto: John, what times does that start? Is it 8:00 on the weekends?

Mr. Naumchik: I think it's 7:00 in the morning till I think it's 9:00 or 10:00 at night or 11:00.

Mr. Britto: It's different for the weekend. I know that.

Mr. Capozella: I think it's 10:00.

Mr. Naumchik: I think it's 10:00; right? I don't remember. I have it in my office.

Ms. Capozella: I think Miss Alicea would have to be a good neighbor.

Ms. Alicea: Yes, I will.

Mr. Capozella: If there are any complaints, I'm sure that she'll have to respond to them.

Mr. Britto: The only issue I'm concerned about too is if they ever leave, it's still zoned -- it's still going to be a church, so somebody else could move in there too.

Mr. Capozella: It's zoned that way, and we'd have to deal with that, as we do everything else, case by case. The Common Council changed that zone, and that's what we have to deal with.

Mr. Croughan: But they are limited by the occupancy as well.

Mr. Capozella: Yes. Okay. Any other comments from the Board? Miss Cid, any other comments?

Ms. Cid-Morales: No, not at the moment. Thank you.

Mr. Capozella: Mr. Higbie?

Mr. Higbie: No, thank you.

Mr. Capozella: Okay. We closed the public hearing.

*The public hearing was closed.*

Ms. Alicea: Some Saturdays we won't be in -- I'm sorry. Some Saturdays we actually, like right now, we're not allowed to open up at all. Our president down in Puerto Rico authorized us to open as stated in each city, so right now, we're not trying to risk anything at all with anybody going in, so we're keeping everybody out.

Mr. Capozella: That's okay. We have to give you the parameters because this is what our Code Enforcement will follow.

Ms. Alicea: Okay.

Mr. Capozella: If you're not doing it presently, that's fine. If and when things change, those will be the hours in which you can operate; okay?

Ms. Alicea: No problem.

On the resolution for 1 Sprague Avenue, a place of worship with approximately 25 members, hours of Tuesdays and Thursdays from 7:00 p.m. to 9:00 p.m., Saturdays 10:00 a.m. to 6:00 p.m. Meetings will, at this time, be held on those same days. Parking is waived. Snacks are allowed. No cooking on-site and no alcoholic beverages on-site. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown and the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Motion by Ms. Hewson, seconded by Mr. Madden.

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

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.

**Maria A. Towar Escoto**  
**257 East Main Street**  
**Grocery/Bakery**

Mr. Capozella: So this is 257 East Main Street, grocery/bakery, okay, and your name, sir?

Mr. Folch: My name is (Inaudible) Folch.

Mr. Capozella: What's your last name? I'm sorry, sir.

Mr. Folch: Folch. F-o-l-c-h.

Mr. Capozella: And the applicant?

Ms. Towar Escoto: Maria Towar Escoto.

Mr. Croughan: You're going to translate from Spanish to English and English to Spanish?

Mr. Folch: Whichever (inaudible).

Mr. Capozella: Okay. We're just trying to make it easy. That's all; all right?

Mr. Folch: Yeah, yeah, no.

Mr. Capozella: All right? I know you were here before and you helped us along. Okay. So we need to know your addresses. Where do you live?

Ms. Towar Escoto: 31 Manhattan Avenue in Middletown.

Mr. Capozella: Okay. And you, sir?

Mr. Folch: Mine is 120 (Inaudible) Avenue, Middletown.

Mr. Capozella: Martina, do we have the mailings?

Clerk: Yes, we do.

Mr. Capozella: Thank you. What's your plan? What do you want to do?

Ms. Towar Escoto: A bakery grocery.

Mr. Capozella: Okay.

Ms. Towar Escoto: I've had my own business four years.

Mr. Capozella: Okay. And we're going to open the public hearing, all right, before we go any further.

*The public hearing was opened.*

Mr. Croughan: Well, do we have their hours of operation?

Mr. Capozella: Well, I'm going to get into that right now. I just want to get the public hearing opened up in case someone online wants to join in with the (inaudible) process, and if Martina gets a call or whatever, we can try to move along.

Mr. Croughan: Okay.

Mr. Capozella: I'm trying to get the virtual situation here; okay? All right. What will be your hours of operation?

Ms. Towar Escoto: 7:00 a.m. to 8:00 p.m.

Mr. Capozella: 7:00 a.m. to 8:00 p.m.

Ms. Towar Escoto: Yes.

Mr. Capozella: Days.

Miss Cid-Morales: (Inaudible).

Mr. Capozella: Hang on, Miss Cid. I'll be right with you.

Ms. Towar Escoto: Seven days a week.

Mr. Capozella: Sunday through Saturday. Yes, Miss Cid. Yes, Miss Cid, you're absolutely correct. It does say 7:00 a.m. to 9:00 p.m., so I assume you're now looking for 7:00 a.m. to 8:00 p.m.?

All right. The applicant has indicated by shaking her head yes, it's 7:00 a.m. to 8:00 p.m.; okay, Miss Cid?

Ms. Cid-Morales: Can I make a comment?

Mr. Capozella: Sure.

Ms. Cid-Morales: Can I do it, I mean, I can do it in both English and Spanish for (inaudible). In English, (inaudible) because it's a bakery, and from what I know in our community, many people like to eat at night coffee and bread. It's a common thing, and (inaudible). It looks like it actually was around over on Monhagen Avenue.

Mr. Capozella: Did you hear that?

Ms. Towar Escoto: Okay.

Mr. Capozella: All right. That's fine. And you have that option. If you want to go from 7:00 a.m. to 9:00 p.m., that's fine.

Ms. Towar Escoto: Okay.

Mr. Capozella: Okay? Thank you, Miss Cid. Approximately how many employees do you plan on having?

Ms. Towar Escoto: Four.

Mr. Capozella: Four.

Ms. Towar Escoto: Yes.

Mr. Capozella: And just so everyone knows, we have to waive parking here too. There's only on street parking here also.

Mr. Croughan: You're going to be making goods on the premises?

Mr. Folch: Yes.

Mr. Croughan: And what is the grocery aspect of it?

Ms. Towar Escoto: Beans. Everything. Food. Everything.

Mr. Folch: Latin food mostly and all kind of food. Like supermarket.

Mr. Croughan: So like a mini supermarket?

Mr. Folch: Yeah. Something like a little bit of everything. Canned food and --

Mr. Naumchik: I see here on the plan here he's got dairy and he's got soda cases. He's got produce.

Mr. Capozella: Yeah. Nice little -- it's a little grocery.

Mr. Naumchik: This was Gervic's Paint --

Mr. Capozella: Correct.

Mr. Naumchik: -- before, and then after that, it was a restaurant.

Mr. Capozella: A little pasta shop.

Mr. Naumchik: Yeah. A pasta shop, and there was eating inside.

Mr. Capozella: Right. And it was also an Italian restaurant at one time.

Ms. Hewson: This was formerly known as Lucia's; right?

Mr. Capozella: Yes.

Ms. Hewson: Okay.

Mr. Capozella: Mr. McCarey, have you had a chance to take a look at this at all?

Mr. McCarey: Yeah. I've been through this building when it was Gervic Paints and right up until the most recent time when the owner has elevator place next door. Everything meets code. The only issues that could come up is depending on what type of oven they're using whether it'll need a commercial cooking hood, application either a type 1 or a type 2 hood. Mr. Atkins did mention that they do have some parking here on-site. They're showing three parking spots; however, if you're going to do the waiving, I would make sure that the site plan shows that the ADA part of that parking is stricken because that does not meet ADA requirements. (Inaudible), so I would strike them from the site plan.

Outside of that, contact our office and we'll be able to go through and find out what type of oven she's using so we can tell you what the requirements are based on that, and I think there's a hood there already. It just would have to be updated.

Mr. Capozella: And the ADA spot could be modified through the DPW. They could give you information to make it truly an ADA spot.

Mr. McCarey, I have a question. You mentioned elevator repair. Is he still there?

Mr. McCarey: That's not going to be there anymore.

Mr. Capozella: I see they have tables in that area. Okay. But he's probably vacated and the whole space is theirs.

Mr. McCarey: So you plan on using the entire building then, the mezzanine floor and the --

Mr. Folch: (Inaudible) and this is just like a grocery, you see right here.

Mr. McCarey: Okay. And then the mezzanine area where the bathroom is.

Mr. Folch: Yeah.

Mr. McCarey: Okay. No issues.

Mr. Capozella: I think during the preliminary a question came up because you did present the second floor plan also, which was I think an apartment at one time. What's your intent? I see just storage, room 1, room 2. What's your intent with that area up there?

Mr. Folch: They don't have any plan when it comes to rent. They're just going to -- I guess they're going to close it or use it for storage. I don't think that they're going to use it for anything other than storage or --

Mr. Capozella: Storage only. I'm going to put that in the resolution. No occupancy. It'll be storage only. Okay.

Ms. Hewson: Will there be any tables for customers to sit and have coffee, a café or anything like that?

Mr. Folch: No.

Ms. Hewson: Okay.

Mr. Folch: They have like three, two, three tables that they have for people to

drink coffee and stuff like that, but right now with everything that's going on, they're not going to --

Ms. Hewson: Oh, I understand that. That wasn't my reason for asking.

Mr. Folch: Okay.

Ms. Hewson: My concern is that corner, because I think it's a great -- I love the idea. My only concern is the congestion. The other applicant that was here before, I know you weren't present in the room, had an application literally almost across the street but on Prospect Avenue going up the hill where the barbershop is, and that is a dangerous area for car congestion, and I don't want to see anyone get hit by a car or so many cars that there's a traffic accident, so I didn't know -- I know you have the three parking spots and that we would have to waive parking, but that was my only concern with the people staying for a while, how many cars will accumulate, but I know that is the opposite side of Prospect. There's a little bit more room in there, so I just was wondering. Thank you.

Mr. Britto: Mr. Capozella, do we need to put anything in for -- do we need to put anything in for deliveries? As a grocery, I think that we want to just make sure that they're not, you know, delivering at 2:00 in the morning.

Mr. Capozella: Well, their hours of operation as of right now are 7:00 a.m. to 9:00 p.m.

Mr. Britto: And that includes deliveries.

Mr. Capozella: That includes anything that has to do with their operation. Do you plan on having any deliveries or trucks coming in and out prior to 7:00 a.m.?

Mr. Folch: The trucks, they do come, small trucks in the mornings, but not every day.

Mr. Capozella: So my question would be do they come prior to 7:00 a.m.? What time?

Mr. Folch: Goya Produce comes before 7:00 and the stuff that they use to make the bread.

Mr. Capozella: Do they come there at 6:00 a.m., 6:30?

Mr. Folch: 6:00.

Mr. Capozella: 6:00.

Mr. Croughan: It would be no earlier than 6:00?

Mr. Folch: 6:00, 6:30.

Mr. Capozella: What I'll do is I'll put 6:00 a.m. to 9:00 p.m. This'll allow you to do any deliveries or pickups that's going to take place for your bakery or grocery, and that's the parameters you have to work within, okay, because it is a semi-residential neighborhood also. We always have that push pull here; okay?

Mr. Folch: Okay.

Mr. Capozella: Okay? All right. No problem. I did open the public hearing, but I didn't invite the public because we were kind of waiting.

Miss Tu, do you have any information from anybody?

Clerk: No.

Mr. Capozella: Miss Hansen, anybody online wanted to make any comments?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. Great. Then I'm going to close the public.

*The public hearing was closed.*

Mr. Capozella: And any other questions or comments from the Board?

Mr. Naumchik: I would say their deliveries in those three spots, because I think there's an opening right there for deliveries.

Mr. Capozella: During the day, that's what I'm anticipating. If they find that they require an ADA spot, they still could put the ADA spot there off the street. It'll work fine, I think.

All right. Anything else from the Board members?

On the resolution for 257 East Main Street, bakery/grocery. Hours of operation, 6:00 a.m. to 9:00 p.m., Sunday through Saturday. Approximately four employees.

The second floor will be used for storage only, no occupancy. Parking is waived. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown and the State of New York, if applicable. If throughout any of this review process the project is deemed to require any bulk requirement tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

Motion by Mr. Naumchik, seconded by Ms. Hewson.

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

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.

**RDM Group**  
**102-128 Dolson Avenue**  
**Distribution Center**

Mr. Capozella: If you would just introduce yourself, name, address, who you represent for the record.

Mr. Cokeley: My name is Jesse Cokeley. I am with Mazer Consulting, the engineer of record for the proposed site plan at 102-128 Dolson Avenue. My address is 50 Chestnut Ridge Road, Suite 101, in Montvale, New Jersey.

Mr. Capozella: Okay. Mr. Newman, if you could do the same thing, please.

Mr. Newman: Yes. My name is Isaac Newman. I'm the managing member of our (inaudible). My address is 1 International Boulevard, Suite 410, Mahwah, New Jersey.

Mr. Capozella: Martina, do we have the mailings?

Clerk: Yes, we do.

Mr. Capozella: Great. Thank you. Mr. Cokeley, so if you would present the

project to the Board.

Mr. Cokeley: So I mentioned the project site located at 102-128 Dolson Avenue in the City of Middletown. It's also known as Tax Lot 48-1-1.2 located in the I-1 Light Industrial Zone.

More specifically, this is a large commercial building located on the west side of Dolson Avenue across from McDonald's, which I believe at one time was known the Playtog's site in that same shopping center. This is on the north side of the property.

A few months ago, the Zoning Board granted a variance that will allow for the redevelopment of the site and the building to be renovated into a modern distribution facility (inaudible) industrial market. Having such a large retail space (inaudible) these days and not very practical anymore.

We have also previously met with the Mayor, but we understand (inaudible), but we are here tonight in front of the Planning Board to progress the actual site plan review. The proposed improvements will require the raising of the roof and the installation of loading docks on the southeast exterior wall. This will require an adjustment to the parking lot layout (inaudible) as well. On the screen you can see which is an aerial exhibit, color aerial exhibit, using (inaudible) imagery with an overlay from the proposed site plan that was submitted in black and white. This plan was sent over to Martina earlier today in an email via PDF, so hopefully you've had a chance to look at it already, but if not, it is on the screen in front of you.

In general, what we are proposing is to convert the existing retail space into a warehouse, and by doing so, we will be raising the roof to accommodate for the various storage and shipping type things that come with a warehouse. As I mentioned, we did get the variance from the Zoning Board to increase the height here. Also what we're doing is installing some loading dock (inaudible), kind of beige color on the south side of the building. For orientation purposes, the south is on the left hand side of the page here. We're also as part of that reconfiguring part of the parking lot in that southwest corner of the property, basically from the main entrance to the building.

We are proposing 21 loading docks (inaudible) similar number of trucks per day, so that (inaudible) flexibility should several trucks arrive at the same time, they would have (inaudible), not necessarily right next to each other, but have enough space to get around in those 21 loading docks. They're actually broken up by 18 in the main section there, and then there's three more kind of the end of the building as you go a little bit more north.

Right now, the applicant is in discussions with a potential tenant. This tenant is in the high-end lighting fixture market, and that would make for a very desirable tenant that could occupy the whole space themselves. They run a very clean

operation with no hazardous or toxic materials involved. I also understand that the Board (inaudible) how trucks will access and traverse the site. As you're probably aware, there are currently two driveways, which we are remaining unchanged (inaudible), one at the northeastern, which kind of goes back around the backside of the building and also can drive along the frontage parallel to Dolson Avenue. And then there's the main entrance to the full shopping center if you will that has a traffic signal. That's kind of on the south end of our project here.

We are flexible with the proposed (inaudible) as much as possible since the northeastern driveway is (inaudible) signalized and could make for a more difficult (inaudible). We are amenable to that approach; however, some trucks may need to enter from the southern -- from the, excuse me, the northeastern entrance in order to access the furthest east loading docks. There is an upward curve. Most trucks would come in from the main entrance, turn around, and back to the loading docks, but (inaudible) the access by trucks entering from the northeastern entrance, so we would still want to keep that as an entrance and an exit with a right turn only. But any trucks, the vast majority can use the main entrance, probably will use that for the exit to turn right and (inaudible).

One other item I wanted to point out, in conjunction with the loading docks is a revised parking lot layout and the associated impacts. We have designed the improvements to disturb as little area as possible for grading purposes, which is about 3.13 acres. Within that area is the loading dock and the parking that you can see kind of on this plan which are colorized (inaudible) Google (inaudible). That (inaudible) about 0.3 acres (inaudible). You can see the additional landscape areas we are providing. Not only will the (inaudible) be meeting (inaudible) water regulations, but they also (inaudible) the planting and screening help break up the visibility (inaudible). We're also proposing a new fence for some of these areas as well.

I also wanted to mention that we are providing (inaudible) which do not exist today that will be a benefit of the project. We understand that the Planning Board Engineers have to have a chance to review the SWPPP yet, but we look forward to its input and (inaudible) for his (inaudible) review.

Lastly, one other item I'm going to share on the screen here is a 3D rendering from the architect which is a representative view of the proposed development of Dolson Avenue looking at essentially the parking lots and the loading docks. As you can see, we're proposing what we feel are improvements to the buildings and the landscaping will certainly gain improvement over what exists today, which is essentially a sea of pavement. On this exhibit, you can see a little bit of the fence right now. It's just a representative picture, but it certainly -- on our site plan we call it, you know, a vinyl board-on-board fence so that you cannot see through it, and then there's also a small retaining wall on the (inaudible) close to the loading dock that vents on top that we can also locate as well so that you

cannot see through it.

Overall, this is an overview of the project. That wraps up kind of my direct presentation, but if the Board and public have specific questions, I'd be happy to answer those.

And also, thank you for holding this meeting and making it virtual. Obviously these are strenuous times, so I appreciate everyone's cooperation and, you know, everyone's assistance in getting the technology up and running to make this happen, so thank you for that.

Mr. Capozella: You're welcome. Mr. Newman, do you have anything to add to the presentation? That's a no? Okay.

Mr. Newman: There we go. I think I'm unmuted now.

Mr. Capozella: All right.

Mr. Newman: If I could just add something. I would just note that the last time there was a suggestion of (inaudible) in the space and if we were looking for a specific tenancy. I just want to mention that we are very close in a specific type of use, and I would like to just let the Board know what type of use it is so that it would concern anybody going forward. We are in very heavy negotiations and close to a deal for a lighting company. I might've mentioned before that we were anticipating having this light company come to this specific location. In fact, it seems as if they are excited for this project, and obviously the pace of this project is very important to them because they are designing a plan to move to this space, so that obviously has a certain schedule to it that we would like to try and keep. It's a lighting company, a European lighting company that does imports, specialty lighting for homes and retail and commercial use. They also (inaudible) and other type of lighting fixture supplies, so they would occupy the whole 175,000 square feet, and that is the anticipated use as of now, and we hope to close up our negotiations with them very shortly. We're anticipating that that would be the use, and I wanted to let the Board know that that is who we would be designating this site to at this time.

Mr. Capozella: Okay. Thank you.

Mr. Newman: You're welcome. Thank you.

Mr. Capozella: I'm going to open the public hearing now.

*The public hearing was opened.*

Mr. Capozella: Again, we'll start now. Miss Tu, if you hear of anybody, let us know. Miss Hanson, if anyone online wants to chime in, you'll let us know.

Ms. Hansen: I do have one person that would like to speak.

Mr. Capozella: Oh, fine. Hello.

Ms. Moses: So I live on 8 Adams Avenue. We are on the corner of Adams Avenue and Heidt Avenue. I'm actually sitting here -- actually, my dog's barking. I'm sitting here with a neighbor that also lives on Heidt Avenue, and we're concerned about this proposal being that, you know, a few years ago there was just one 18-wheeler parked in the same location, and that would cause the rumbling. We felt it in the house, in the windows, so we're concerned about having 21 18-wheelers, you know, potentially causing even more disruption and noise pollution in the, you know, in our backyards. Front yards even.

So we're the neighborhood that you can see in the image when you show the proposal, so we just want to address those concerns.

Mr. Capozella: Would you please state your name for the record, please.

Ms. Moses: What did you say?

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

Ms. Moses: Kira Moses, and I live on 8 Adams Avenue.

Mr. Capozella: Thank you.

Ms. Hansen: I do have a second person that would like to speak.

Mr. Capozella: That would be fine.

Mr. Mack: Yes. Hello.

Mr. Capozella: Yes. Please state your name for the record and address.

Mr. Mack: Can you hear me?

Mr. Capozella: Yes. Please state your name for the --

Mr. Mack: I have a concern for the proposal. I live at 42 Heidt Avenue right over

the fence, and my current concerns are the hours of operation as well as the trucks idling. Like the first caller said, we had in the past a truck idling overnight into the early mornings and, you know, it was kind of annoying to hear the noise, so that's pretty much my concern.

Mr. Capozella: You last name again, sir, please.

Mr. Mack: Mack. M-a-c-k.

Mr. Capozella: Thank you. Okay. Anyone else from the public so far? Miss Hansen, anybody else?

Ms. Hansen: That is everyone that has requested to speak at this time.

Mr. Capozella: Okay. We're going to leave the public hearing open and we're going to go to the Board members for questions and comments. Anybody. Mr. Madden.

Mr. Madden: Trucks that would be entering from the northeast entrance, are you proposing that you would allow trucks traveling both directions on Dolson Avenue to use that entrance or only trucks that were headed southbound?

Mr. Cokeley: Do you want me to answer?

Mr. Capozella: Yes. Go ahead.

Mr. Cokeley: Or do you want to --

Mr. Capozella: Yes. That's fine.

Mr. Cokeley: I just wasn't sure if you wanted to -- I would think we would be fine if it was only the trucks traveling downtown because I think if you were traveling northbound, the trucks would probably use the signalized intersection to come into the property going down, and then (inaudible) property would have to wait to make that left and also would be the easiest maneuver, you know, to go all the way around and come back. So I think it would just be southbound trucks, almost like a right in/right out (inaudible).

Mr. Madden: Thank you. And one other comment, if I may. In your 3D rendering when you discuss the fence that you're proposing, the pictured fence I think is a more aesthetic, you know, essentially pleasing choice than something that's

opaque and can be easily damaged or vandalized, and I think that -- that's my opinion.

Mr. Capozella: Any other Board members? Yes, John.

Mr. Naumchik: Since you're not sure yet what company is going to be going in there, do you know approximately how many trucks you think are going to be going in and out of there?

Mr. Cokeley: Is that question for me? And also I would like to address the concerns of the public as well for the type of use that's being (inaudible). It's not necessarily going to be exclusively tractor trailer type vehicles. The (inaudible) also allows for box truck (inaudible) specialty type of equipment and fixtures that they will have are not only exclusively delivered or exported by idling trucks. The type of uses are clean and a use that also allows for I'd say a 50 percent use in other type of vehicles besides those type of tractor trailer vehicles. Obviously, there will be some tractor trailer vehicles throughout (inaudible) larger deliveries, but more often it would probably be box truck style deliveries from those type of vehicles, so we have mixed use of vehicles, and again, (inaudible) all the loading docks at (inaudible). Although I can't say that it won't happen ever, (inaudible) anticipated.

Mr. Naumchik: Is this going to be 24/7?

Mr. Cokeley: Well, we'd like to allow for the use of that. It is a commercial street, so (inaudible) I can understand, but as far as let's say someone wants a delivery is coming from a further location and is running a bit late, we'd like to allow the access for that once in a while, but the general use of the warehouse is probably going to be standard hours of operation for most business types.

Mr. Naumchik: Okay. How many employees are you figuring to be working there?

Mr. Newman: I just wanted to add to the point the actual (inaudible) of the loading dock is on the opposite side of the building from, you know, the residential neighbors that are kind of in the northwest corner. All the loading docks are kind of on the southeast end of the building, and the vast majority of the truck traffic is really going to be located, you know, right on or off of Dolson Avenue and the main entrance, so for this particular use and tenant, trucks really won't be traversing in the rear of the property close to, you know, the residential (inaudible) and they certainly won't be idling back there.

Mr. Naumchik: And how many employees you think will be there in the operation?

Mr. Newman: They anticipate to be about 14 to 20 per shift, from 24 to 36 per day.

Mr. Naumchik: And they're going to be parking in the front in this new parking area, or you have another place for them to park?

Mr. Newman: They can park in a designated parking area -- actually just if you want to pull up that screen, I'll try to describe exactly where --

Mr. Cokeley: So I'm just sharing this screen. There it is. Okay. So I'm just going zoom in a little bit here. You can see that this area is where the loading docks are. They each kind of (inaudible). Then just to the west of that, we have three landscape area. You know, we could have like parking spaces right there that I think we've designated for like employees because there's an employee access or, you know, main door kind of right here next to the loading dock, so that's kind of where we have it, but again, these spaces could be used for that as well, for employees, you know. (Inaudible) adequate parking.

Mr. Naumchik: I see on the drawing you're going to be doing new sidewalks in the front on Dolson Avenue?

Mr. Newman: So it's kind of a -- I'm just going to scroll down here a little bit at the strip in here in the grass. There is, if you've been out there, if you're familiar, Dolson Ave. is a little bit lower than the elevation of the existing area, which is occupied by Pools Plus right now.

Mr. Naumchik: Yes.

Mr. Newman: So that is at an elevation that's higher than Dolson Avenue here. There is kind of like a worn in (inaudible) that developed over time from people walking. (Inaudible) four-foot walk that would allow people to walk there. That would be separated by the fence from, you know, the actual operation going on here, so there wouldn't be an opportunity for someone on the sidewalk to walk into, you know, let's say the drive aisles.

Mr. Naumchik: Okay. Are you planning on doing a traffic study for Dolson Avenue where that traffic light is coming in and out of the main entrance?

Mr. Newman: We weren't planning on it based on the type of use that the number of employees. I believe that based on general IPE, (inaudible) transportation (inaudible), I think maybe retail use of this size would generate more trips than the warehouse of this size. So that was our assumption here.

Mr. Naumchik: Gef, do you recommend a traffic study on this or no?

Mr. Newman: Yeah. If I could add that it's correct that this use would dramatically reduce the amount of traffic that would've generated in the general use if it was occupied -- and it will be generating less use than its previous tenant's use of retail.

Mr. Capozella: Gef, you're going to comment, you said?

Mr. Chumard: I don't think necessarily the traffic study is warranted; however, I think we need to have a better idea of the maximum number of trucks per day and the maximum number of trucks for normal business hours. And then additionally, we have some concerns about the direction of the trucks interior to the property. You've already mentioned I think that trucks will not be going around the back of the building, and that would hopefully alleviate the concerns of the residents living behind there on Heidt Avenue and Adams. However, the truck path along the Dolson Avenue route on that side of the building where the three bays are is a little tight, and there's what looks like one or two choke points where trucks passing in the opposite direction would have an issue. So I'm wondering, depending on how many trucks are there, if you would consider maybe not allowing trucks to utilize that pathway going northerly and exiting out that auxiliary entrance and having trucks that need to go in to sit access the three bays and maybe some of the bays in front just to enter the northeast exit and go one way. Is there a situation that we would require for you to have two-way truck traffic along that narrow route?

Mr. Capozella: All right. Before you respond to that, Mr. McCarey, comment?

Mr. McCarey: Yeah. I spoke with Mr. Chumard briefly. He said there was a fire apparatus turning plan submitted or no? Can he hear me?

Mr. Capozella: Jesse, can you hear the fire inspector?

Mr. Cokeley: Yeah. Sorry. I didn't know he was --

Mr. McCarey: Yeah. Jesse, is there a fire truck turning radius plan on file?

Mr. Cokeley: I don't know if they had a fire (inaudible). Let me check my files.

Mr. McCarey: Well, while you check, I can start getting into a few of the questions that I had. Number one, directing to when Mr. Chumard was talking about the three loading dock area and where the proposed doorway with the few steps going down in the, what's that, the southern corner of the building, that's currently where the fire sprinkler system connections are. Are those planned on being -- are you planning on moving that to a different location, and if so, where, which will also parlay into where your gas meters are, your electric meters, and all the other type of connections to go in to the service of the building?

Mr. Cokeley: As of now, the plan is to leave them where they are, so not relocate them, but I think the architect is still working out the internal floor plan, and he might relying on the tenant, so if that were to change, we would obviously (inaudible) where those would have to be relocated.

Mr. McCarey: Do you know what the width is from the edge of that bollard where the doorway comes down? You said I believe that's the employee entrance to the actual curb, what that distance -- what that measurement is? I see that you have it from the curb to the road, but not from the bollard to where the actual roadway ends.

Reason being, I'll give you a little scope of what I'm trying to accomplish here, is Chapter 5 in the Appendix of the State Fire Code and having a good fire department access around this building within 150 feet of the entire building. Currently now, we have full access to the entire front of the building and the western side of the building, and it seems like you're adding quite a bit of curbing and parking to where you're reducing that greatly. I don't see any mention of that in your site plan, and I'm really concerned about where our access is going to be. And you stated in a couple other areas about the trucks turning in, coming in, that turning radius for those fire trucks, if we could submit you that information or have the information on our largest apparatus. Because this building is so big, we need to have that access really thought out in this planning process, not just where the parking is and where you're going to have your loading docks.

Do you have a total height of the buildings yet or no?

Mr. Cokeley: It's a little tough to hear. You're asking about the height right now?

Mr. McCarey: Yeah. What is the total height of the building from grade to the top of the parapet?

Mr. Cokeley: So it does drop, you know, right now to where it's going, but we did

get the variance for the height.

Mr. McCarey: Well, what is the total -- what is the highest point from grade?

Mr. Cokeley: Right. So the maximum building height is 44.

Mr. McCarey: So you'll need aerial access as well, which is a little more stringent than just the regular fire department access, and you'll have to have that no closer than 15 feet to the building and no further than 30 feet of the building, and I don't see where you could meet that anywhere in your current proposed site plan, at least for one entire side of the building.

Mr. Capozella: Okay. Well, it has to be addressed.

Mr. McCarey: Are you planning on any traffic timing devices?

Mr. Cokeley: Traffic timing devices like stop signs?

Mr. McCarey: No. Speed bumps, rumble strips, stuff like that.

Mr. Cokeley: Well, we do have it shown on the plan at the (inaudible) intersection if you will, so those would be there.

Mr. McCarey: That would be something that the -- yeah. That's going to have to be approved by the Bureau of Fire Prevention. I'm sorry. I didn't mean to cut you off.

Mr. Cokeley: If the Board feels they are appropriate, we can certainly investigate that.

Mr. McCarey: Well, it's up to the Board whether they approve them or not for their use, but the actual design of them is going to be approved through our office; okay?

(Inaudible) I have lots more (inaudible). I really don't want to hold everybody up because I think that this should really -- the site plan (inaudible) should really sit down and go over why these variances have issues.

Mr. Cokeley: That's why we're here.

Mr. McCarey: And again, I have, you know, about 40 (inaudible), and I don't want to waste everybody's time.

Mr. Capozella: It's a start. That's why they're here. That's why we went to virtual (inaudible). We had to get started somehow.

Mr. McCarey: So, Jesse, what I would suggest is to contact my office. You can set up a meeting to review this, go through what (inaudible), but I would definitely do your research on Chapter 3, Chapter 5 of the Appendix in the State Fire Code. That's where the majority of my questions and concerns come from. Okay?

Mr. Cokeley: Okay.

Mr. McCarey: Thank you.

Mr. Capozella: I just want to share some information with the Board and the public that RDM had to go to the Zoning Board of Appeals first for their variance of height. That's the 44 feet that you heard because they're going to raise the roof and make this facility there. So I want to put into the record here is a ZBA record of voting that's going to go into the record. The ZBA minutes from November 20<sup>th</sup>, 2019, and the minutes from January 15<sup>th</sup>, 2020. Okay. And just so everyone knows, some of this information has been dealt with, but we're going to have to deal with it once again, and it has to do with any screen, that's the privacy fencing, any vegetation requirements that we might want to add.

One of the issues that was discussed at the very onset of this project was Dolson Avenue is one of the gateways into Middletown. We don't necessarily want to see 18 trucks, 21 trucks from Dolson Avenue, at least as little as possible, okay, so the applicant understands that and is sensitive to that. It's been included in the ZBA also, so think about screening and how we want to disguise as much of this -- not the building. The building looks very nice. It's a great improvement, okay, but the tractor trailers view is something that we have to think about; okay?

Also, the flow of truck traffic. Initial meetings were to bring them in to the northeasterly entrance, which is the entrance by Walgreens so to speak; okay? That entrance there. Left only in so they can come in right. It makes no difference. Bring them around the auxiliary road by Pools Plus, which (inaudible) needs to be shown by the way on your plan. I don't see it on your site plan, Jesse. That road is not depicted very well; okay? And let them go out the controlled entrance that is there right now at the traffic light.

The ZBA also did mention about parking and the parking area maintenance, reblacktopping the entrance at the controlled intersection onto Dolson Avenue, and that it be maintained properly because now with the new truck traffic, it will probably take somewhat of a beating, but it should be properly maintained.

One thing I had asked Jesse to do, and they're working on it, is some type of profile elevation showing the tractor trailers parked in their spots, with a tractor,

without a tractor -- trailer, or with screen or certain height so that we can kind of get a visual of what's it going to look like again, protecting the City's entrance so that we hide as much as we possibly can.

Idling has been mentioned by the public. I think it's a very good point, and we might have to set some restrictions on idling. I think there are restrictions within the State Code as there is as far as trucks idling. I believe we might just include that so that so that if there's noise, even though it's on the other side of the building, (inaudible), even though it's on the other side of the building.

That all being said, I just wanted to make sure that was all part of the record. That's part of the ZBA that they added and wrote out the comment on it and considered as we go through this.

That's basically all I have at the moment. Jesse, I know you're going to have a list of fire department items obviously to review.

One other item. Originally, this was going to be a distribution warehouse, and it was going to entail approximately 18 truck trips in a two-shift period, which is about 16 hours. Then they actually gave us a time period of 7:00 a.m. to like 9:00 p.m.; all right? I now think that things might be changing. You have a tenant coming in. I'm not sure, do they do manufacturing, or do they do just solely distribution? That's one question. Okay. We have to know if they're going to manufacture anything. That leads to a --

Mr. Newman: (Inaudible).

Mr. Capozella: Mr. Newman, it sounded like solely distribution; is that correct?

Mr. Newman: That is correct.

Mr. Capozella: Okay. It's just a little hard to hear you on the laptop. I'm sorry.

Mr. Newman: Sorry. Solely distribution.

Mr. Capozella: Okay. That's good to know. And, of course, if you do go to box trucks, we're talking about smaller vehicles than tractor trailers, I think that was a little twist to it that it's a little different than it was intended. (Inaudible) smaller trucks, but 24 hours a day adds a new twist to it when we were originally told only 16 hours a day. So you need to drill them on that, gentlemen, to let us know where you're headed. Okay?

That's all. I just wanted to bring everybody up to speed of where we are.

The ZBA also allowed a variance for the parking regulation requirements, so we don't have to worry about parking so much. That's kind of been dealt with, and the applicant will deal with employees and obviously when the other store opens

up next to it.

Mr. Naumchik, (inaudible)?

Mr. Naumchik: Yes. Is this close to the border of Wallkill? Does this have to go to Wallkill and also (inaudible)?

Mr. Capozella: Yes.

Mr. Naumchik: It did?

Mr. Capozella: Yes.

Mr. Naumchik: So we're still waiting to hear from them and also the Orange County?

Mr. Capozella: Yeah. It's been a little slow because of the COVID-19. Everyone's catching up. We tried to get everything in here as soon as we could so we can start the process.

Mr. Croughan: But, Martina, notification was sent out.

Clerk: Yes. May 29<sup>th</sup>.

Mr. Croughan: And I think they still have some Gef comments to deal with.

Mr. Naumchik: Yeah. That was my next question. Have they answered any of Gef's questions yet or they haven't seen them?

Mr. Capozella: Mr. Chumard, have they totally answered all of your comments yet? I haven't had a chance to read it all.

Mr. Chumard: They've answered some of them. I know that there was a lot of response that when I had suggested if they're going to exit out the northeastern entrance, it should be a right hand turn only, and they suggested relief from that. But the discussion may be, more recent discussion is entrance only on that so we don't have two-way truck traffic on that auxiliary road. I don't know if that's been pinned down yet or not. That was a suggestion.

Mr. Capozella: I don't believe so. Everything is in discussion at the moment and we're all sharing our viewpoints on truck traffic at the moment.

Mr. Chumard: I had suggested we would build sidewalks. 5 feet usually is a better width, you know, for two people passing. The applicant really wanted to stick to 4 feet. It felt that there wasn't room for 5 feet. You know, I know where we had designed and were permitted 4 feet before, it's a compromise, so whether you want to approve 4 feet.

And the other question I think which has not been answered, are there going to be any hazardous materials involved in the delivery or distribution?

Mr. Capozella: They'll have the answer to that, and if they have another tenant now involved, they'll have to answer that question for that tenant also.

Mr. Chumard: Also any liquid materials. Are they only going to be solid materials or might there be liquid containers involved in the --

Mr. Capozella: Do you gentlemen know that as of yet? I mean, you can always answer that later on if your lighting company gets involved or if your other distribution is. Mr. Chumard has asked about hazardous material, liquids or solids, whatever may be coming in.

Mr. Newman: To answer, I don't anticipate any hazardous materials. It's a lighting company. It's not going to be storing or housing or distributing any hazardous or toxic materials whatsoever.

Mr. Capozella: Okay. Did you hear that, Mr. Chumard?

Mr. Chumard: Yes.

Mr. Capozella: Okay. Thank you.

Mr. Croughan: Mr. Chumard, how long will it take your office to review the SWPP?

Mr. Chumard: We have a gentleman that reviews SWPPs. I don't do it myself. We have a gentleman who does. He's on vacation until July 4<sup>th</sup>. When he comes back, he has to catch up on things that have piled up on his desk when he's away. He indicated that he could get the review done probably by the third week in July.

Mr. Croughan: Thank you.

Mr. Capozella: Is someone speaking? We hear a voice. Is Mr. Newman saying something? No.

Ms. Hansen: I think someone had their mic unmuted by accident.

Mr. Capozella: Okay. Thanks.

Mr. Croughan: So I think you have to get with Adam, address the fire department, address Gef's concerns and some of the other things that were brought up. It probably looks like you're headed towards the August meeting.

Mr. Capozella: And before we do leave, I'd just like some of the Board members, I need some kind of an input on truck flow because they're going to need that information. I mean, they're going to sit down and try to figure out something to bring back to us as a presentation, so -- I don't know. Does anybody, I mean, I'm in favor of a one-way system. A two-way system I'm not sure is going to work. I know coming in by the Walgreens probably isn't ideal. Or you can bring them in all under controlled light. I need some help. I need some information. What are your feelings? Yes, Mr. McCarey.

Mr. McCarey: Just as a note, on that eastern exit or exit/entrance that the pool company is using right now, I'm not sure of the exact grade, but it exceeds the 10 percent, so they may not even be able to use that. I don't know if they've taken that into consideration throughout your site plan development.

Mr. Capozella: I don't know.

Mr. Cokeley: We are proposing some regrading there, and I think if I could propose, what I would like to do is get a meeting with Adam to go over his concerns, address those, and then maybe prepare maybe a written document and a couple of exhibits that can be submitted to the Board that would show the different truck maneuvers, one, if we, you know, come entrance only, you know, off of at the northeasterly entrance.

Mr. Capozella: That's a good idea.

Mr. Cokeley: And access the lower loading dock because all the trucks would leave via the main entrance, so we don't have the two-way traffic in that spot either. And then we can also show the trucks entering through the main entrance and accessing the loading dock, so maybe like a couple pages in there, and then we could even look at, you know, specific fire access exhibits to include in all of that too.

Mr. McCarey: Yeah. I think if you address those concerns, it will also address the

truck traffic as well.

Mr. Capozella: Yes.

Mr. McCarey: It'll do a two-fold automatically.

Mr. Capozella: That might help the applicant deal with the fire apparatus and then give them a better idea of truck flow. Yes. I agree.

Mr. Naumchik: And on that plan, will they show how the entrances are going to be redone so they're better than they are now, especially the one by the traffic light going in by where Dunkin' Donuts is, that main entrance there?

Mr. Capozella: I don't know if they have any plans at all to redo that at all. It's set for truck traffic. It's a controlled intersection. They'll have to look at that because they'll have to do maybe more with the fire apparatus.

Mr. Croughan: And I don't think that's on their property either.

Mr. Capozella: No. But they've agreed to reblacktop it and maintain it. It know it's not on their property.

Mr. Croughan: To the extent that they can.

Mr. Capozella: Yeah. Whatever extent they can. So Mr. Croughan is absolutely correct that that's not really their property to deal with. They're making the corrections, everything they need, on their property within their boundaries.

Mr. Naumchik: And Gef I noticed mentioned in his comments something about easements. Was there any issues with easements with anybody in this parking lot or them going in and out?

Mr. Capozella: No.

Mr. Naumchik: No?

Mr. Capozella: There isn't. That was also determined by the ZBA.

Mr. Naumchik: Okay.

Mr. Capozella: Yeah. They're okay. Or, I guess, I mean, I don't know if you need

any more, but I think that's an excellent idea. Work out the fire apparatus parameters, and that would help you with the truck flow. We'd like one-way, the safest way possible.

Mr. Croughan: Anything further from the public?

Mr. Cokeley: I guess in terms of overall like next steps project, I had mentioned, you know, reaching out to Adam, setting up that meeting, supplying the Board with some type of document, bringing in some exhibits with the truck flow like we spoke about.

Mr. Capozella: Yeah.

Mr. Cokeley: And then I guess we're also going to wait for the SWPPP review from Mr. Chumard's office. Would you want us to come back before that if we have truck stuff sorted out, or do you think it would be better to wait and kind of do everything in one shot? I just want to know what your thoughts are on that.

Mr. Capozella: The next meeting is supposed to be July the 8<sup>th</sup>. You won't have enough time to make that. So I would try to gather as much information as you possibly can from tonight's meeting to present again. I think that would be most advantageous. And, of course, your screening plan. Don't forget your screening plan, your elevation, your profile plans just so the Board has an idea of what this is going to look like.

Mr. Cokeley: Sure.

Mr. Capozella: Okay. Does the Board agree with that? Are we all okay with that? Let Mr. Cokeley get as much information as he possibly can from Adam and work it all out with Gef's office so that next time you show up, you'll have a lot of information.

Mr. Croughan: The public hearing is still open, so I don't know if there's any --

Mr. Capozella: Yeah. We're going to -- we have to leave the public hearing open, but we're going to just check real quick. Martina, any calls from anybody?

Clerk: No.

Mr. Capozella: No. Miss Hansen, we have anybody on the line that wishes to participate again?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. Thank you. Any other Board members to finish up in the last comments? Yes, Miss Hewson.

Ms. Hewson: Just to reiterate that I think it was Mr. Naumchik mentioned the maximum number of trucks would be something I would want to take into consideration.

Mr. Capozella: They're going to have to decide what they're going to do with their -- which tenant they're going to choose and then they might have a better idea of truck traffic and numbers.

Mr. Britto: But could we or should set parameters for that?

Mr. Capozella: Could we? We probably could set time durations. Quantity of trucks, I don't know if we can do that. We don't want to tie their business. We want to make sure they can succeed, so maybe some compromise or in between all that, yes. I know that probably the 24 hours they would not be welcome, but that's something we have to discuss. It's not really a 24-hour-a-day area so to speak.

Mr. Chumard: Mr. Chairman?

Mr. Capozella: Yes.

Mr. Chumard: One other additional comment. I assume most of the truck traffic will be coming from the south, from 84 or from -- so if traffic is coming from the north, in other words, coming right through the middle of the City of Middletown, including -- that would involve some residential areas. We need to know that, and especially if late night truck traffic is anticipated to be going through the City of Middletown, we would need to pin down the routes and the times and the impacts of all that truck traffic and noise on residential areas in the City.

Mr. Capozella: Exactly my point. That's why I don't think it's a 24-hour-a-day area, but from 84, it's a different story. Okay.

Mr. Croughan: Maybe if they could talk about idling time as well, how long it takes to park a truck, unload the truck and get it out of there, and if it has to be idling for that length of time.

Mr. Capozella: Okay. All right. So we're going to leave the public hearing open

on this project, and Mr. Cokeley and Mr. Newman, I guess we'll see you in a while once you gather all that information and get all your ducks back in a row. Okay, sir?

Mr. Cokeley: We hope to be there in person next time. Thank you very much.

Mr. Capozella: Great. Thank you.

Mr. Newman: Chairman of the Board, thank you very much for (inaudible) us tonight obviously in this state. We do hope to see you in person next time (inaudible) and come with a clear (inaudible) address them clearly on the next hearing. Thank you very much.

Mr. Capozella: Thank you. Good luck.

All righty. I believe that concludes our agenda. We'll need a motion -- oh, before I make a motion to adjourn -- where are you going? Sit down. That's the first time he ever listened to me.

Anyway, I just wanted to take a moment. Mr. McCarey is retiring, or is retired, and probably soon will not be attending Planning Board meetings as the Fire Inspector for the City of Middletown. I just wanted to take a minute to thank him for your expertise and everything that you added to the Planning Board. I considered it a big help every time you spoke, give us insight to what's going on in the City and to the Code and how it would help compromise with our citizens looking to put businesses and residences in the City of Middletown, and I wish you good luck.

Mr. McCarey: Thank you, Chairman.

Mr. Capozella: Now you can get up. Only kidding.

Okay. So I need a motion to adjourn.

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

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

Adjourned 9:12 p.m.  
Respectfully Submitted,

*Diane Genender, Transcriber*