

**CITY OF MIDDLETOWN  
PLANNING BOARD  
MINUTES**

**August 05, 2020**

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on August 5, 2020 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, Dan Higbie, Dave Madden, Andy Britto.

Other Attendees: Richard J. Croughan, Planning Board Attorney; Theron Adkins, Fire Inspector; Sixto Martinez, DPW.

Members Absent: John Naumchik, Vanessa Cid-Morales, Nicole Hewson.

The Pledge of Allegiance was said.

Motion to approve the June 24, 2020 minutes by Mr. Madden, seconded by Mr. Britto.

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.

**Barlas, LLC  
107-109 Academy Avenue  
Restaurant-Pizza Establishment**

Mr. Capozella: Do we have the mailings, Ms. Tu?

Clerk: Yes, we do.

Mr. Capozella: We do? Okay. Good. And the applicant is online and going to present virtually. Please state your name and intentions for the record, please.

Mr. Nosek: Yes, sir. John Nosek, Fusco Engineering and Land Surveying.

Mr. Capozella: Thank you, Mr. Nosek.

Mr. Nosek: Can the Board hear me?

Mr. Capozella: Yes. Please continue.

Mr. Nosek: Okay. Good evening, Board members. We have before you tonight a proposed site plan for Barlas, LLC. This particular lot is the vacant building across the street from the existing grocery store at the intersection of Academy Avenue and Genung Street. What we're looking to do is currently it's an existing vacant building, and we're proposing a pizzeria. It's

approximately 7,600 sq.ft. Again, the building is existing. We made a few minor modifications to the site to accommodate requests from the Board. I'll just very quickly highlight them.

We did add two additional employee parking spaces by putting in some small retaining walls that are approximately 2.5 feet in height. We also propose to stripe the corner front area of the lot for no parking in addition to putting No Thru Traffic signs to prevent vehicles from trying to shortcut through the traffic light.

We also are proposing to modify the sidewalk to add a handicapped ramp in accordance with ADA requirements, so we've added that to the plans with the appropriate decals.

And we've also added two Wallpack light fixtures to the façade of the existing building for light illumination as also requested.

That's pretty much what we're looking to do with some minor site plan modifications.

Mr. Capozella: Okay. Thank you. I'm going to open the public hearing at this time. Anyone from the public wishing to step forward and address this application.

*The public hearing was opened.*

Ms. Hansen: Not at this time.

Mr. Capozella: No one online? Okay, Ms. Hansen. Just waiting for Ms. Tu to come back to see if we have anyone on the telephone or any written.

Ms. Hansen: There's no written comments at this time for Ms. Tu.

Mr. Capozella: No one on the telephone either?

Ms. Hansen: And no one on the telephone either.

Mr. Capozella: Great. Thank you. We'll keep the public hearing open and move on to the Board. Any questions or comments? Mr. Madden.

Mr. Madden: Can you please address the traffic patterns coming into and out of this parking lot.

Mr. Nosek: We're proposing four parking spaces right off of Genung Street. I don't know if I'm pronouncing that correct.

Mr. Capozella: Genung.

Mr. Nosek: And those spaces are primarily for customers. They will come in, get their pizza, and they will basically back out onto Genung Street and head out. The front parking spots, two parking spots, are pretty much for employee parking.

Mr. Madden: There currently is no left turn for northbound traffic on Academy Avenue, I believe, so all of your customers would have to be coming southbound on Academy or coming from Genung Street?

Mr. Nosek: So you're saying they would not be able to make a left turn into the facility off of Academy Avenue?

Mr. Madden: I don't believe a left turn off of Academy Avenue onto Genung is allowed. And also, once you turn onto Genung, if you have to wait to cross traffic there, I mean, it seems like we have a traffic issue.

Mr. Nosek: Well, the problem, again, the site is existing, so we can only propose what we can do for the parking that currently exists there. To try to have parking directly onto Academy Avenue would involve having to put parking spaces where the Board clearly indicated that they did want no parking, so essentially to answer your question, yeah, I assume they would have to bypass the light and come back around through Genung Street to access these parking spots in order to be able to, you know, to get their meal and head out. There really is no room in the front of the parking -- on the front of the facility on Academy Avenue to provide additional parking spaces.

Mr. Madden: One additional question. Are you proposing tables and table service on the interior?

Mr. Nosek: I'm sorry. I lost you.

Mr. Madden: Are you proposing to have table service inside this restaurant?

Mr. Nosek: I do not know the answer to that question. I don't know if the applicant is online. I don't know if it's for takeout. If you want to give me one sec, I'll try to answer that.

Mr. Croughan: Anthony, I think when we had the meeting with them, it was takeout only.

Mr. Capozella: If it was going to be anything at all, it'd be like one or two chairs or small tables waiting for their takeout order.

Mr. Nosek: Yeah. There would be maybe one or two tables for, you know, somebody by themselves eating their lunch, but it's primarily for takeout only.

Mr. Madden: Okay. Because there's no on-street parking in that neighborhood either.

Mr. Capozella: You can park on Genung Street, believe it or not, but it's not many.

Mr. Madden: Okay.

Mr. Croughan: They were also proposing to have a delivery person.

Mr. Capozella: Right. That's why we had additional employee parking, two spots for the employees to park. And the intention previously was the access would be strictly from Genung Street, so there'd be no turning on or off of Academy Avenue. That's why there's no thru traffic. It was a little tedious, but we felt it was the safest way to do it.

Mr. Nosek: Yes. That's correct.

Mr. Capozella: And that's the way he's going to sign it, and that's the way he's going to paint

the parking lot. Any other questions? Mr. Britto, anything?

Mr. Britto: No.

Mr. Capozella: No? Mr. Higbie, do you have any questions or comments?

Mr. Higbie: Not at this time. I think I'm pretty clear.

Mr. Capozella: Okay. Thank you. Ms. Hansen, do we have anybody else online that wishes to comment?

Ms. Hansen: Not at this time.

Mr. Capozella: Telephone?

Clerk: Nobody.

Mr. Capozella: And obviously no other paper comments. Okay. At this time, I'm going to close the public hearing and go back to the Board one more time for any comments or questions.

*The public hearing was closed.*

Mr. Capozella: Mr. Madden?

Mr. Madden: So we're looking at a total of six parking spots.

Mr. Capozella: I haven't got it in front of me, but --

Mr. Madden: Onsite.

Mr. Capozella: Onsite. Yes.

Mr. Nosek: Onsite, that's correct, but there is additional parking off-site on Genung Street down further if I'm not mistaken; correct?

Mr. Capozella: There is parking on Genung Street. We were probably going to waive parking regardless. We're going to still try.

Mr. Martinez, do you have anything to add?

Mr. Martinez: No. I have no questions.

Mr. Capozella: Mr. Adkins?

Mr. Adkins: I'm good. Thank you.

Mr. Capozella: All right. Great. And, Mr. Higbie, you have nothing else to add?

Mr. Higbie: No. I was also going to add if we had to waive parking but, you know, you already

addressed that. I know that it was a greenhouse for many years, and I know they figured out the parking. No. Nothing more to add.

Mr. Capozella: Okay. Mr. Nosek, do you have any hours of operation? We weren't -- I don't know if we were given exactly what the hours of operation were going to be.

Mr. Nosek: Just checking through the EAF, but I'm certain it would be typically for a pizzeria, 11:00 a.m. to probably 10:00 p.m., Monday through, well, a lot of times Monday they're closed, so I don't know if this is essentially seven days, 11:00 a.m. to 10:00 p.m.

Mr. Croughan: All right. So that'll be --

Mr. Nosek: Possibility of being closed on Monday.

Mr. Croughan: Do you have the map?

Mr. Capozella: I do not. That's the problem. I do not have the map. Oh, there it is.

All right. Mr. Nosek, we actually do have your map now, your plan, and it actually states 10:00 a.m. to 10:00 p.m., open every day, open daily.

Mr. Nosek: Okay. I'm having a difficult time hearing you. I'm not sure why.

Mr. Capozella: We have located your plan.

Mr. Nosek: Yes. 10:00 a.m. to 10:00 p.m., not 11:00 a.m. I'm sorry. Correct.

Mr. Capozella: That's okay. And open daily. Open every day.

Mr. Nosek: Yes.

Mr. Capozella: All right.

*The public hearing was closed.*

Mr. Croughan: Just advise the applicant -- I don't know if he heard before that it had to be unanimous if he wanted to take it to a vote, or he can adjourn it for more members of the Board.

Mr. Capozella: Did you hear that, Mr. Nosek?

Mr. Nosek: I did hear that. In light of the fact that there doesn't really seem to be any public opposition or any major concerns, I don't see any reason why we couldn't proceed with requesting a vote.

Mr. Capozella: That's fine, and we will. We will proceed.

Mr. Nosek: Okay.

On the resolution for Barlas, LLC, 107-109 Academy Avenue, a pizza establishment with hours

of operation of 10:00 a.m. to 10:00 p.m. daily. Parking is waived. Adhere to the plan and follow the traffic pattern that's been established on the plan. 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. Madden, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Andy Britto, Dan Higbie, Anthony Capozella.

*INTRODUCTORY PRESENTATIONS - Not for any action but for future presentation and possible action at a date not yet determined.*

**Nowak 5, LLC**  
**274-278 Dolson Avenue**  
**Hotel**

John Fuller, PE  
Martin Nowak

**Chun Feng, RA**  
**26 North Street**  
**Coffee shop, offices and residential apartments**

Chun Feng, RA

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

Roll Call Ayes: David Madden, Andy Britto, Dan Higbie, Anthony Capozella.

Adjourned 8:00 p.m.  
Respectfully Submitted,  
*Diane Genender, Transcriber*