

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

October 7, 2020

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

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

Other Attendees: Richard J. Croughan, Esq., Planning Board Attorney; Alex Smith, Esq., Corporation Counsel; Theron Adkins, Fire Inspector; Sixto Martinez, Building Inspector.

The Pledge of Allegiance was said.

Motion to go into Executive Session for advice of Counsel.
Motion by Mr. Madden, seconded by Mr. Naumchik.

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

Motion to come out of Executive Session
Motion by Mr. Madden, seconded by Mr. Naumchik.

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

DMU Zone Presentation by Mayor DeStefano and Maria Bruni

Mr. Capozella: Just so everyone knows, Maria Bruni and Mayor DeStefano are here to do a presentation I guess regarding the new criteria for the DMU Zone.

Mayor DeStefano: Yeah. We just wanted to give you some background on it and how we -- why we did what we did, and it's called the DMU Zone as you're all familiar with. And basically, it is the residential uses of the first floor in downtown

in the DMU are prohibited prior to the passing of this ordinance, and what we have done is we've identified certain buildings within the DMU that going total retail or commercial would be prohibited because, probably even more so now than pre-COVID, but this discussion started even pre-COVID because of some of the large buildings that we have in our area.

So we're putting a lot of, not burden, we've given a lot of responsibility to the Planning Board. To be honest, we went back and forth on whether we should've given Common Council the control or Planning Board the control. We felt that the Planning Board, led by Mr. Capozella, would be very responsible and much less political than an elected body like the Common Council, so we designed it in a way to give the Planning Board some discretion in where on the first floor of a building residential properties could go, and we hope you use that discretion wisely.

So the reason why I stated that it's limited to a certain amount of buildings, only a few buildings, is that the footprint of an existing building must be 35,000 sq.ft. or more. So you can't take an empty lot, because this is designed to renovate property, to renovate the buildings and save older buildings rather than to build new construction. So a building has to be 35,000 sq.ft. or more, and the dwelling units within the building have to be 750 sq.ft. for a one-bedroom and 850 sq.ft. for a two-bedroom, and you can only grant a partial first floor waiver where the waiver cannot be created -- the entire floor cannot be residential.

For example, one building is Classy Leather. Our thoughts are the back of the -- I don't know if you've been in the alley in the back, but we're looking to develop that and the first floor on the upper part of the building going towards West Main would probably be the more logical place to put in the commercial, and then the lower section down the hill would make more sense for the residential, and we're working with that building owner, and they will be coming to the Planning Board very shortly with 54 units throughout that building.

So we did put in this other amendment to not only apply to the -- this is a condition of the DMU, but we've also increased any conversion of a building that is going to have more than eight apartments to require 750 sq.ft. for a one-bedroom unit and 850 sq.ft. for a two-bedroom unit. So we made this part of the whole entire DMU, not just for the conversion of the larger buildings.

The rest of the DMU will maintain upper floor residential, first floor commercial. We don't have the option to waive it I don't believe, and you don't have the option, and they could always go to a ZBA, but they have to prove financial hardship, which is a heavy burden to prove in that area, and especially with vacancy rates downtown very low.

So the three blue dots on the screen are the locations of the three properties that we believe are eligible here. We think we did our homework correctly on this. One project you're already familiar with, you've already approved it, which is the

Downtown Villages on Montgomery Street and Railroad Avenue. The other two are Classy Leather and the Knitting Mill on, what's it called, the bottom of --

Ms. Bruni: The pictures are --

Mayor DeStefano: Oh, the pictures are on there? Okay.

Ms. Bruni: Yeah.

Mayor DeStefano: Yeah. This is the Classy Leather building, and as I said, there's a project coming in with 54 units. We gave the developer the same kind of input that we're giving you regarding where the first floor residential should be, and I guess it works for them anyway because of the open space down at the bottom of the building, but they will be coming to you with their plan. We gave them our input.

And this one we've had really no input on other than over the past 15 years, they've come to us with different options, and we have concern about this building only because there are some ceiling height issues I think, so I don't know if they'll be able to develop this in the way they want without some great expense, and this happens to be several buildings, but all would fall under the DMU, and we're hoping that a large portion of this remain commercial, but if and when a project comes forward, we'll certainly give you our input on that also.

And this is the project which you guys just recently approved, and it's coming along very nicely. I understand that he has rented some of the units and above market for downtown, so it's a great addition to the downtown housing market.

So that's all I have to say about that. If you have any questions, we'd like to address it, but we want to make it clear that the DMU, with the exception of those three properties, we believe no other property qualifies for the first floor waiver. You can't waive it. We can't waive it. The only people that can waive it would be ZBA with the hardship exemption. The development plan is moving forward in a positive way. We're adding -- we've had 11 new businesses open on North Street, in the process of opening or have opened, from the Square right down to the Orchard area, so our COVID comeback is working, and we're getting an awful lot of interest in people looking to open businesses downtown despite the fact that it's all torn up with the DRI monies that we're investing in the downtown area.

So I'd be more than happy to take any questions if you have some. If not, I have a dinner date. That's why I was hoping to go first.

Mr. Capozella: Anyone have any questions for the mayor?

Mayor DeStefano: Okay. Thank you.

Mr. Capozella: Thank you.

Mayor DeStefano: She did the DRI, I mean the power plan. I just got a chance to present it. Thanks.

Mr. Capozella: Thank you. We're going to do a little catch-up on some housekeeping. First of all, I want to thank Mr. Higbie for filling in for me. Greatly appreciated. Everything moved forward for the City. Nothing held up. That was great. Thank you very much.

Also, we have a new member. I wasn't here to welcome her last month, but Ms. Witt, welcome.

Ms. Witt: Thank you.

Mr. Capozella: And getting to our agenda, we have approval of the September 2nd meeting, but we're actually going to hold up on that at the moment. They're not 100 percent complete as of yet. We do have some housekeeping within those minutes, which I'm going to do right now.

We have a couple amendments that I have to take care of and additional housekeeping things like Cornerstone Family Healthcare, 10 Benton Avenue, the mailings were submitted. The minutes didn't reflect it, that's why I'm just trying to straighten all that out.

RDM Group, 102-128 Dolson Avenue, mailings were submitted but in June of 2020, so we do have mailings.

Middletown Downtown, LLC, 22-26 Montgomery Street, mailings were also submitted, so for the record, all those mailings are in place.

And that's about it. Now, I think I have to call for a motion to accept those amendments to the minutes so that our transcriptionist can add it. It'll probably be in these minutes, but we can add it to our minutes.

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

Roll Call Ayes: David Madden, John Naumchik, Andy Britto, Gretchen Witt, 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.

**Missionary Society of Our Lady of Mount Carmel
128-172 Wawayanda Avenue
Addition to retirement parish home for Carmelite priests**

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

Mr. Depuy: Tom Depuy with Depew Engineering, and I'm representing the Carmelites. They're proposing a 1,400 sq.ft. addition on the new building that is presently under construction. This was approved by the Board back in April of 2019.

So basically, this small addition is going to add an additional floor of bedrooms to the facility. It's for retired priests, and basically we just came off the wing here and put another addition on, and the parking, we had adequate parking. We actually had additional parking with the previous submittal, so now we have the exact amount of parking that is needed for the number of bedrooms.

Mr. Capozella: Okay. Thank you, Mr. Depuy. Mailings, Ms. Tu? I'm sure we have those.

Clerk: Yes, we do.

Mr. Capozella: All right. We're going to open the public hearing. Anyone wishing to address this application, please step forward.

The public hearing was opened.

Mr. Capozella: Ms. Hansen, do we have anyone online? Okay. We'll skip that.
Ms. Tu, do we have anything on the phone -- anybody on the phone?

Clerk: Nobody.

Mr. Capozella: Or in writing?

Clerk: No.

Mr. Capozella: Any written responses?

Clerk: No.

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

Ms. Hansen: We do not.

Mr. Capozella: We're going to keep the public hearing open for now and move on to the Board for any questions or comments.

Mr. Croughan: Are you requesting a waiver from us as well?

Mr. Depuy: Yes. In the zoning, I don't know if you guys reviewed that, t's basically when you're on the street if you look, there's a house here set back. We're actually set back. It was granted, I believe, the last time we were here, so basically it's -- but we're so far away from the property it doesn't really apply, but we still need a waiver to that because the addition is back behind that setback. So basically what that's for is so people's front doors don't look into the back -- people's back doors, but it doesn't really apply here but it's still in the zone.

Mr. Croughan: So it's no closer than what was granted before.

Mr. Depuy: No. No. No.

Mr. Capozella: Is the waiver still necessary?

Mr. Croughan: It would be.

Mr. Capozella: Do we need to add that to the resolution?

Mr. Croughan: You would.

Mr. Capozella: So that's the waiver of set back?

Mr. Croughan: Yes.

Mr. Madden: Tom, you're all set with Mr. Chumard's comments and his letter dated September 23rd?

Mr. Depuy: Yes. The only issue we had was the water. Originally, the water was going to come up. There's an existing 4-inch line that comes up, goes next to the pond. We were tapping it there and bring it in back here; however, when we reinvestigated it, there was a larger line on Waverly and it gave us better flow and better pressure, so we re-routed the water line into there, and that was his concern because we were close on the sprinkler calcs, but when we re-routed, it gave us the

additional flow and pressure.

Mr. Capozella: For the record, Gef Chumard, our Planning Board Engineer, has no issues with the project. He's very happy with the new water line as a matter of fact because he had asked questions about that, and then I think he stated that there's nothing about the addition that will adversely affect the project and/or the environmental review that he did previously.

Mr. Depuy: Right.

Mr. Madden: So it'll be the same EAF, the Short Form EAF?

Mr. Depuy: Yeah. We did the Short Form and it just piggybacks onto the Long Form that we did originally.

Mr. Capozella: I have a partial revision to that, and Gef will double check that, and then I'll sign off on it.

Mr. Depuy: Okay. Thank you.

Mr. Croughan: Fire Department have any concerns?

Mr. Adkins: I have no concerns.

Mr. Capozella: We'll go back to the public hearing. Anyone from the public wishing to address this application, please step forward.

Ms. Hansen, has anyone come online? For the record, Ms. Hansen said no. And Ms. Tu?

Clerk: No one.

Mr. Capozella: No one on the phone.

Clerk: No.

Mr. Capozella: Okay. I'm going to close the public hearing then and go back to the Board one more time for questions or comments.

The public hearing was closed.

Ms. Hewson: I have a comment. Just to mention that at the time this was

originally approved, at the time I recused myself from the vote because at that point in time, I was employee. I have since moved on to other endeavors, so whatever the Board feels, I can either recuse myself or remain objective and vote, just for the record.

Mr. Croughan: As long as you can remain objective --

Ms. Hewson: Absolutely.

Mr. Croughan: -- you have the right to vote.

Ms. Hewson: Okay. Thank you.

Mr. Capozella: That being said, before I read the resolution, I'm going to, for the record, reinforce our Lead Agency and our Neg Dec.

First of all, Lead Agency.

WHEREAS, the City of Middletown Planning Board has received an application from The Missionary Society of Our Lady of Mount Carmel, tax map designation Section 44, Block 1, Lot 1 and located in the R1 zone, for a site plan amendment and special use permit for the construction of a Retirement Parish Home for Carmelite Priests with a 1,483 square foot Addition.

The project is located at 128-172 Wawayanda Avenue in the City of Middletown.

THEREFORE, be it resolved, that the City of Middletown Planning Board is declaring its intent to be Lead Agency with respect to the proposed action under the State Environmental Quality Review Act; and,

BE IT FURTHER RESOLVED, that the City of Middletown Planning Board is authorizing the applicant to distribute the Lead Agency Coordination Request in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 to all interested and involved agencies.

This will be filed with the City of Middletown Clerk of the Common Council.

Motion to accept the Lead Agency by Mr. Britto, seconded by Mr. Higbie.

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

Negative Declaration

On motion of Mr. Naumchik and seconded by Mr. Higbie that the Planning Board based upon all of the evidence submitted by The Missionary Society of Our Lady

of Mount Carmel, seeking a site plan amendment and special use permit for the construction of a Retirement Parish Home for Carmelite Priests and a 1,483 square foot Addition, the Planning Board makes the following determination with respect to the environmental significance of the proposed project located at 128-172 Wawayanda Avenue in the City of Middletown, Section 44, Block 1, and Lot 1.

Based upon a reasoned elaboration of the potential environmental impact of the project, and after a thorough review of the project's environmental elements by the City's Engineer and Planning Board, the Planning Board hereby determines that there will be no significant environmental effect as a result of the completion of the proposed project and by this Resolution making a Negative Declaration of Environmental Impact as that term is defined in the Environmental Conservation Law and in Part 617 of the New York SEQRA regulations.

Filed with the City of Middletown Clerk of the Common Council.

Motion to declare Negative Declaration by Mr. Higbie, seconded by Ms. Witt.

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

On the resolution for The Missionary Society of Our Lady of Mount Carmel, 128-172 Wawayanda Avenue, addition to retirement parish home for Carmelite priests with a waiver of setback regulations. 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. Higbie, seconded by Mr. Britto.

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

Anyone appearing for the first time before the Planning Board this evening is considered a preliminary hearing, and the Planning Board may or may not choose to act on those applications tonight.

Sharon Mitchell
39-47 Railroad Avenue
dance studio

Mr. Capozella: Good evening, Ms. Mitchell.

Ms. Mitchell: Good evening.

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

Clerk: Yes, we do.

Mr. Capozella: Thank you. State your name for the record and your intentions.

Ms. Mitchell: Hi. My name is Sharon Mitchell. I'm looking to open a dance studio at 39 Railroad Avenue in Middletown.

I've been a business owner for 35 years, mostly in Pine Bush, New York, and through the COVID I closed my business there, and after a few months, I decided that I did not want to stay closed, but I really love what's happening here in Middletown, and I really want to be a part of that, and if I can bring some arts into Middletown, I thought that would be a good plus for everyone.

I teach ballet, tap, jazz, pointe, all the classical dances, hip hop, lyrical, theater dance, and I do usually compete. Obviously, we're not doing that at this point in time, so teach from three-year-olds to adults, and my classes are usually about an hour, hour and a half, depending on the level, and I teach all levels from beginning to advance.

Mr. Capozella: Okay. Thank you.

Ms. Mitchell: You're welcome.

Mr. Capozella: We're 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: Ms. Hansen, do we have anyone online? Ms. Hansen, do we have anyone online? Ms. Hansen said no.

Ms. Tu?

Clerk: No one.

Mr. Capozella: No one. And nothing written.

Clerk: No.

Mr. Capozella: Okay. Thank you. We're going to move on to the Board then for questions and comments. Mr. Naumchik.

Mr. Naumchik: Just one question. Was this the new plan that was handed out?

Ms. Mitchell: Yes.

Mr. Naumchik: Because I see there was just a little couple changes on it.

Ms. Mitchell: Yeah. We did speak with everyone before, and instead of an emergency door, it was deemed that it was okay to have a complete wall there and not a door. So there's just a couple things. We just (inaudible) the office and --

Mr. Naumchik: Yeah. I see that.

Ms. Mitchell: Yeah. That's all we did there.

Mr. Naumchik: But nothing else changed?

Ms. Mitchell: No. Nothing. Everything is the same.

Mr. Capozella: Mr. Martinez, did you have your chance to look at this property yet?

Mr. Martinez: I've not looked at the property.

Mr. Capozella: Okay.

Mr. Martinez: I have not looked at the property; however, are you doing any kind of renovations to the building?

Ms. Mitchell: Just basically putting up a wall to separate from my rental I guess from the rest of the space.

Mr. Martinez: Bathroom stays the same?

Ms. Mitchell: The bathroom will be, yeah, will be put in there.

Mr. Martinez: That's all new?

Ms. Mitchell: Yeah. The bathroom, dressing room.

Mr. Martinez: Have you looked into handicapped accessibility?

Ms. Mitchell: I did not.

Mr. Martinez: Please give us a call.

Ms. Mitchell: Okay.

Mr. Capozella: Mr. Adkins?

Mr. Adkins: One question. What is your expected class size?

Ms. Mitchell: Well, right now with the COVID laws, I measured out the room, and I don't think I would do more than 12 in a room.

Mr. Adkins: More than 12 in a room?

Ms. Mitchell: Mm-hmm. Not more than that.

Mr. Adkins: Outside of the COVID laws moving forward?

Ms. Mitchell: Generally, in my old studio, I would go up to 20 at the most.

Mr. Adkins: Okay. Okay. I did a site visit over there, and everything is pretty straight forward. You know, they do have some alterations and stuff they're going to make, and we addressed those, and the landlord or the owner is more than willing to do that.

And as far as losing a second exit, they won't need it unless they increase their occupancy load, but as it stands right now, they're good.

Mr. Capozella: Okay. Just so you know, Ms. Mitchell, the Fire Department does have a hand in determining what occupancy load would be.

Ms. Mitchell: Sure. Yes.

Mr. Capozella: Okay. And we have down here just for the -- I'm sorry. Do you want to comment?

Just for the record, you'll be open Monday through Sunday?

Ms. Mitchell: Generally. I did that so I could have my rehearsal space and my rehearsal time, but generally I'm working from Monday through Sunday. Yes.

Mr. Capozella: And I have 9:00 a.m. to 10:00 p.m.; is that correct?

Ms. Mitchell: Yes. That's closing up, opening up, and having a couple classes in the morning, stuff like that.

Mr. Capozella: That's fine. We just want to put that on the record, that's all, in the resolution so everyone knows.

Anyone else from the Board, questions or comments?

Ms. Hewson: Do we need to waive parking?

Mr. Capozella: Yes. She is part of the DMU, yes, and she will also have to adhere to the Architectural Review Board as for any façade work, which you might not be doing but your landlord will be, but any signage, any signage you plan on putting on the building, anywhere on the building, you'll have to report to the Architectural Review Board, and they'll give the parameters of what type of sign that you can use; all right?

Ms. Mitchell: Sure. Understood.

Mr. Capozella: We'll put that in the resolution just so everyone understands. Any other questions or comments? Ms. Witt.

Ms. Witt: How are you going to handle having dressing, your dressing room? I see the space is just regular room size, so how are you handling the dressing?

Ms. Mitchell: As far as COVID?

Ms. Witt: Mm-hmm.

Ms. Mitchell: Yeah. Most of the kids will be coming already dressed.

Ms. Witt: Okay.

Ms. Mitchell: And so they will be, you know, brought up by myself or whomever is there, and they will come in. If they need to use the dressing room, it's there for one person at a time.

Ms. Witt: Okay.

Ms. Mitchell: Just like the bathroom, it'll be one person at a time.

Ms. Witt: Right. One person at a time.

Ms. Mitchell: I can monitor that.

Ms. Witt: Is it just yourself that would be in the facility with the student?

Ms. Mitchell: It'll be myself and probably my son, who assists me from time to time.

Ms. Witt: Okay.

Ms. Mitchell: But generally, it'll probably just be me, or I also have -- I'll probably have like a parent volunteer who stays at the bottom in case, you know, for the young kids -- to be honest, at this point in time, I don't think with the laws, since it's just me starting up, that I'm going to take under five-year-olds because that you have to be aware of bathroom time and, you know, things like that. So I think to start up with, I will start with five-year-olds and up. That way they're taken care of prior to coming into the room to begin with.

Ms. Witt: Okay.

Ms. Mitchell: A drop-off situation. The parents are not allowed in.

Ms. Witt: Right. Right. What's your name going to be?

Ms. Mitchell: I'm sorry?

Ms. Witt: What's your business name going to be?

Ms. Mitchell: The Dance Annex.

Ms. Witt: Okay. Thank you.

Ms. Mitchell: You're welcome.

Mr. Capozella: Okay. I'm going to go back to the public hearing. Anyone wishing to address this application, please step forward.

Miss Hansen, is anyone online?

Ms. Hansen: They are not.

Mr. Capozella: They are not. Thank you.

And Ms. Tu, anyone on the phone?

Clerk: No one.

Mr. Capozella: No. Okay. Going back to the Board one more time. Excuse me. I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Back to the Board. Okay. Good.

On the resolution for 39-47 Railroad Avenue, a dance studio. Parking is waived. DMU Zone requires going to the Architectural Review Board for façade work and/or signage. Hours of operation will be Monday through Sunday, 9:00 a.m. - 10:00 p.m. 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. Naumchik.

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

Anyone appearing for the first time before the Planning Board this evening is considered a preliminary hearing, and the Planning Board may or may not choose to act on those applications tonight.

Darilyn Owusu-Ansah
2-4 North Street
shake bar

Mr. Capozella: State your name for the record and your intentions, please.

Ms. Owusu-Ansah: Hello, everyone. I'm Darilyn Owusu-Ansah, and I'm looking to open a healthy café at 4 North Street. I've been into health and fitness for many years now. I'm an online nutrition coach, so I know how important nutrition is to the body for you to feel good and look good, so I'd love to bring that to the community, just a nice spot for someone to come in, hang out for a little bit, grab a delicious smoothie, a protein iced coffee, or an energizing refreshing tea that has caffeine but clean energy, not all the sugar and not the crash that you get from your typical products from like Starbucks or Dunkin' Donuts, so that's what I'm looking to bring to downtown Middletown.

Mr. Capozella: Thank you. We're going to open the public hearing.

The public hearing was opened.

Mr. Capozella: Ms. Hansen, is anyone online to make any comments?

Ms. Hansen: There is not.

Mr. Capozella: Ms. Tu, anything written or on the phone?

Clerk: Nobody.

Mr. Capozella: And we have the mailings; correct?

Clerk: We do.

Mr. Capozella: Thank you. Then I'm going to move to the Board. Any questions or comments from the Board?

Ms. Hewson: What will your days and hours of operation be?

Ms. Owusu-Ansah: We will be open Monday through Sunday. Monday through Friday, the hours of operations are 8:00 to 4:00, Saturday, 9:00 to 3:00, Sunday, 9:00 - 2:00 or 3:00. I haven't really decided, but open every day. Weekends just a little shorter.

Mr. Capozella: Any objection, we'll just make Saturday and Sunday 9:00 to 3:00? I know you said 2:00, but this way --

Ms. Owusu-Ansah: Yeah. That's fine.

Mr. Capozella: -- if you decided to stay, you would.

Ms. Owusu-Ansah: Yeah. Hopefully if business is booming.

Mr. Croughan: Mr. Adkins, any concern with the basement?

Mr. Adkins: There was a few minor issues that were addressed on the walkthrough, but nothing that can't be addressed through the permitting and building process.

Ms. Owusu-Ansah: And I actually spoke to my landlord, and we fixed the things that we talked about in the walkthrough.

Mr. Croughan: Any other concerns with the property?

Mr. Adkins: I have no concerns. Everything looked pretty straightforward.

Mr. Capozella: Mr. Martinez, any concerns on your part?

Mr. Martinez: No concerns.

Mr. Capozella: Okay. Thank you. We'll go back to the public hearing.
Anyone online, Ms. Hansen?

Ms. Hansen: There is not.

Mr. Capozella: Okay. Thank you. I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Just a reminder that you're in the DMU Zone. You'll have to go through the Architectural Review Board for any façade work and/or signage work you plan on doing; okay?

Ms. Owusu-Ansah: Yes.

Mr. Capozella: That'll be in the resolution also, just so you know.

Ms. Owusu-Ansah: Okay.

Mr. Capozella: Back to the Board members for any further comments or questions.

Mr. Madden: Is there cooking or preparation of food?

Ms. Owusu-Ansah: No. I'm only using a blender with ice and water.

Mr. Capozella: Okay.

Ms. Hewson: Just a reminder. They'll need to waive parking.

Mr. Capozella: Yes.

Mr. Croughan: You'll need Department of Health approval.

Ms. Owusu-Ansah: Yes. I'm getting that together.

Mr. Higbie: It just looks like the hours of operation you have on your plan is a little different, so I don't know if you want to do 8:00 a.m. possibly on Saturday.

Ms. Owusu-Ansah: No. We can leave it at 9:00.

Mr. Capozella: You want to leave it at 9:00? Okay.

Mr. Madden: The door that you show on the plan is going to the stairs to the basement, is that a public doorway?

Ms. Owusu-Ansah: So it is a connecting door to the karate studio next door, so we have just a hallway, and then there's a door for their studio, and then down the steps is our basement, both of our basements. I'm on the left, he's on the right, but it's not open to the public. No.

Mr. Capozella: Anything else from the Board? Okay.

On the resolution for 2-4 North Street, shake bar. Hours of operation are Monday through Friday, 8:00 a.m. - 4:00 p.m.; Saturday and Sunday, 9:00 a.m. - 3:00 p.m.

Parking is waived. Part of the DMU Zone which requires going through the Architectural Review Board for any façade work or signage. 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 Mr. Madden.

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

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

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

Adjourned 7:51 p.m.

Respectfully Submitted,

Diane Genender, Transcriber