

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

December 02, 2020

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on December 2, 2020 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, John Naumchik, Gretchen Witt, Dave Madden, Andy Britto.

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

Members Absent: Nicole Hewson, Dan Higbie.

The Pledge of Allegiance was said.

Motion to approve the October 7, 2020 minutes by Mr. Britto, seconded by Mr. Madden.

Motion to approve the September 2, 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.

**World Fortunes, Inc. (Grant G. Lee)
28 North Street
Coffee shop and coffee roasting facility**

Mr. Capozella: Good evening, sir. How are you?

Mr. Lee: Good.

Mr. Capozella: We're addressing your application this evening. If you would just describe to the Board what your intentions are and what you plan on doing.

Mr. Lee, you still there?

Mr. Lee: Yes.

Mr. Capozella: Did you hear my request?

Mr. Lee: No.

Mr. Capozella: Ms. Hansen, can he hear me?

Ms. Hansen: Yes. He should be able to hear you.

Mr. Capozella: Okay. I'll try again. Mr. Lee, we're addressing your application this evening. I'd just like you to explain what you want to do to the Board.

Mr. Lee: It's just (inaudible). The use is a business because it's (inaudible). We already (inaudible) you the copy (inaudible) the business, and then we copied the model to New York so, you know, Middletown is the most popular to, you know, drink coffee. But (inaudible) very good specialty coffee, not kind of, you know, the (inaudible) coffee. And also, (inaudible) high quality (inaudible) roasting, and then the cost is reduced and then many people can, you know, the drink is high quality coffee and we are supplied to the community. (Inaudible) society and then, you know, everyone is (inaudible) and the space to each other, you know, sharing, and then sharing their life and (inaudible). So (inaudible) the business is a success, but this moment, first, you know, the copy to New York so, you know, (inaudible) in Middletown, so that's why we are applying for this here.

Mr. Capozella: Okay. Thank you very much. Just for the record, we do have the mailings, Ms. Tu?

Clerk: Yes, we do.

Mr. Capozella: Okay. Good. I'm going to open the public hearing for this applicant.

The public hearing was opened.

Mr. Capozella: Anyone from the public wishing to step forward and comment -- do we have any written comment, Ms. Tu?

Clerk: No. No written comment.

Mr. Capozella: Do we have anyone on the telephone?

Clerk: Nobody.

Mr. Capozella: Ms. Hansen, do we have anyone online?

Ms. Hansen: We do not.

Mr. Capozella: Okay.

Ms. Hansen: Wait. We have one comment. I see that this is a Korean coffee shop. They were wondering about this business, and they were just wondering if this will also be a Korean baked goods as well and if they will have enzo. They think this is going to be a great addition to our community.

Mr. Capozella: Thank you. Did you get their name and address by any chance for the record?

Ms. Hansen: David Schmidt, and I can find out the address.

Mr. Capozella: Okay. That's great. We do have some questions coming forward, and we'll probably be able to answer some of those questions that Mr. Schmidt had.

Anyone else online, Ms. Hansen?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. We'll leave the public hearing open for a moment, and we'll move on to the Board for any questions or comments. Anyone? Yes, Mr. Madden.

Mr. Madden: Mr. Lee, is your business mostly going to be roasting coffee to serve customers in-house, or are you roasting coffee and then distributing this coffee to other locations?

Mr. Lee: We do both. One part is, you know, the distribution, you know, the online, and also one part is just a café to share it, you know, with the people.

Mr. Madden: So are we going to be looking at truck traffic that's bringing in raw coffee beans and then you're packaging the roasted beans and then shipping them out to other locations? Are we dealing with truck traffic?

Mr. Lee: Yeah. So we (inaudible) online shopping, but I don't think too many of the traffic here because, you know, the street is in very good that it's straight and, you know, and also so most people are walking, you know, outside, and even the cars, you know, park there, but not that many of the (inaudible).

Mr. Capozella: Mr. Britto?

Mr. Britto: I was just going to ask do you foresee deliveries outside of the 9:00 to 5:00 hours that you have, or is that when you expect to have trucks going in and out of your place?

Mr. Lee: Not every day. So far, you know, even we have, you know, some clients, but it's once a week or, you know, twice a week. Maybe, you know, kind of you know (inaudible).

Mr. Capozella: All right. So it sounds like Mr. Lee is going to have some type of deliveries that he has to make. I'll use the word wholesale or retail, whatever. I'm going to liken it to, and I don't know for a fact, Mr. Lee, you correct me if I'm wrong, it's like a bakery in town that has vans or delivery people waiting outside to deliver products to other areas. Would that be --

Mr. Lee: We don't do deliveries. It's just, you know, like, you know, UPS or something. They pick up.

Mr. Croughan: I don't believe he has his own trucks. He'd be using UPS.

Mr. Capozella: Okay. So that's going to be once a day or something along those lines; is that correct, Mr. Lee? Once a day, you probably have a truck coming by and picking up and delivering?

Mr. Lee: Yeah. You know, the UPS, the trucks that come to pick up, it's early morning or maybe, you know, the late -- the evening, and then (inaudible) to customers.

Mr. Capozella: Okay. So I think then to answer Mr. Britto's question about times of delivery, if he's using UPS or that type of system, it would be somewhere within the 9:00 to 5:00 period. Sometimes UPS works to 6:00, 7:00 at night, but I would make the assumption, Mr. Lee, then your delivery period would be somewhere between 9:00 a.m. and 5:00 p.m.; is that correct?

Mr. Lee: Yeah.

Mr. Capozella: Okay.

Mr. Croughan: Well, that's what he's put as his hours of operation, between 9:00 and 5:00.

Mr. Capozella: Correct. That's why I'm stressing that it's going to be during his hours of operation. It sounds like it could be either once a day, or it could be once a week as he stated, so it's not -- I think Mr. Madden's question was, and I don't want to speak for Mr. Madden, but if he's worried about the amount of traffic that would ensue, depending upon how much retail or wholesaling he does, I hope we've cleared that up.

Any other questions from the Board? Yes, Ms. Witt.

Ms. Witt: Mr. Lee, will you be open every day of the week?

Mr. Lee: Yes. Seven days. Yes.

Ms. Witt: So every day, 9:00 to 5:00.

Mr. Lee: 9:00 to 5:00. Yes.

Ms. Witt: Okay.

Mr. Capozella: Of course, we'll have to waive parking. All right. He's also in the DMU Zone, so Mr. Lee will have to go to the Architectural Review Board for any façade work and/or signage work for your building. Do you understand that, Mr. Lee?

Mr. Lee: I'm sorry. I couldn't catch -- you mean, I know, I'm just renting, you know, this -- the house.

Mr. Capozella: I'm referring to -- I'm just making you fully aware that you're in a certain zone called the DMU. Being in that zone, we have to waive parking for you because you don't own any parking with property. You'll be using municipal parking, which is -- that's fine. It's just something we have to do for you legally.

Then also, the Architectural Review Board is a Board within the City of Middletown, especially in the area of the DMU, which will regulate any façade work you do to your building or any signage, you know, business signs that you put on the building is also regulated by that Board and that you would have to get a sign permit and go before them to make sure that all your signage and façade work is in compliance with the City of Middletown's ordinances and anything that happens within the DMU Zone. I just want to make you fully aware of that, that's

all.

Okay. And you can get that information from the DPW or the Middletown Fire Department when you're ready to get your permits because you will have an inspection. Because of the equipment that you're about to bring in, I'm sure that the Building Department and the Fire Department will be there to visit you and make sure everything is in compliance before you start up. And also you should know that the Middletown Fire Department will also review your occupancy needs, and that will determine exactly how many people you can have in your building at any one time. And, of course, with COVID, there'd be some other issues, but that would be on your part as a businessperson.

Mr. Lee: Okay.

Mr. Capozella: Okay?

Mr. Croughan: Theron, is there any problem -- do they need another egress?

Mr. Adkins: We're going to have to look and see. I don't see one on the plan, but I assume that there is a back exit out of that building.

Mr. Capozella: I don't think there is.

Mr. Adkins: No?

Mr. Capozella: Only because we got an email -- we asked some questions, and the back of the property is not drawn on here, but the back of the property is actually 7 King Street, so I'm assuming that's a building and he has no rear exit -- egress.

Mr. Adkins: Okay. So then there's definitely going to be some hurdles then, you know, especially with the roaster. I don't know -- I'm going to need some more information on the roaster, how it vents, what type of temperatures it puts out, and then we're going to have to talk about egress, fire alarm, sprinkler, and that kind of stuff.

Mr. Capozella: We do have information from him on the roaster.

Mr. Adkins: I got the packet, but it's very -- it's more like a sales cut sheet.

Mr. Capozella: Okay.

Mr. Adkins: It doesn't tell exactly like how it vents and the temperatures that it puts out.

Mr. Capozella: Understood. And typically, once we approve the applicant, he's going to meet with the Building Department and yourself and going to iron out all those little code issues that he has to comply with before he can open. Do you understand that, Mr. Lee?

Mr. Lee: Yes.

Mr. Capozella: Okay.

Mr. Lee: I can provide more details, you know, for the roasting because the roaster is (inaudible). It's high end, you know, the roasting, so we have, you know, the whole details, you know, (inaudible). I can provide it for you.

Mr. Capozella: Okay. Thank you. Well, you're going to need that in order to pass any building or fire inspections and determined obviously thereafter.

Mr. Lee: Yup.

Mr. Capozella: Okay. I have to go back to the public hearing. Ms. Tu, nothing extra?

Clerk: Nobody on the phone. No.

Mr. Capozella: Ms. Hansen, anybody else on the line?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. Back to the Board momentarily. I don't know if anyone asked this question, I didn't hear it, but are you going to do any baking or cooking on the property, Mr. Lee?

Mr. Lee: No. We don't have cooking or baking. We are major (inaudible) coffee, just roasting and very safely, and setting the coffee. (Inaudible) and then some biscuits or cake we're going to need to order from, you know, other companies, so (inaudible) cooking and baking.

Mr. Capozella: Okay. Well, that's going to be in the resolution. There'll be no baking or cooking on the premise. If you do decide down the road that there's something you want to entertain, you'll have to come back to the Board and reapply so you can add that, if you so desire.

Mr. Lee: Yes.

Mr. Capozella: Okay. I need to close the public hearing.

The public hearing was closed.

Mr. Capozella: I'll give the Board one more chance if they have any other questions. Yes, Mr. Madden.

Mr. Madden: His rear room is nearly 400 square feet, and he's showing us one coffee roaster in there. Is there anyone else, with the concern that this could become a very large scale roasting operation that, you know, like, I mean, how would you bring the beans in and, you know, how often are these beans coming in, and how often are they going out? He's got a lot of space to play with, and he may be using UPS today, you know, once a day or once a week. What's it going to be like in a year or 18 months or 24 months?

Mr. Britto: And what would be our purview to say, you know, we're going to keep the, you know, as far as time of delivery or, you know, can we set those parameters for him?

Mr. Capozella: Well, number one, once the parameters are set, he has to come back to us to change them.

Mr. Croughan: That would be hours of operation.

Mr. Capozella: That would be hours of operation.

Mr. Britto: Okay.

Mr. Capozella: So no, he can't just willy nilly increase those. He has to come back to us.

To answer Mr. Madden's question, I'm not quite sure how we'd hold him to that, but I would think that the space, the occupancy of that roaster, the Fire Department would have something to say if you start adding more roasters. That's my opinion anyway. Because that space in there, how large it is, once Mr. Adkins reviews it, maybe there's only so much space allowed for this machine as far as safety's concerned and fire needs. That's not to say there's maybe not room for another machine. I do not know that at the moment. I have no idea.

And his deliveries, I guess if he does well, I would assume the deliveries may increase. Yes. It could be UPS every day rather than once a week, so I think that's something that, you know, if he prospers, I don't know what to say.

Mr. Croughan: Well, how do we know that there's not a fire hazard with the machine, the roaster, if we don't know it's venting and boxes or however he's shipping the coffee beans and the storage of the coffee themselves?

Mr. Capozella: Well, I don't know. We won't know that.

Mr. Adkins: Once he goes through the permitting process and I get all the full information on the roaster and what kind of layout he's going to have back there, we'll have to figure that out. I think the biggest hurdle right now is going to be egress.

Mr. Capozella: We share your concerns, but we have to let the permitting process will out. I mean, he may only be allowed one machine. He can only store so many beans because of the space he has, and that's it.

Mr. Britto: I mean, there's also parking rules in effect on that road right now.

Mr. Capozella: Correct.

Mr. Britto: So there's only so long he can park outside of that area. You know, he can't just have cars or delivery trucks all day long coming through. So there's already rules in place to protect some of the things that (inaudible).

Mr. Capozella: Correct. Right. I mean, that's part of our downtown. Absolutely. You might see a UPS truck double parked there once in a while, and I imagine you will, just like anybody else having a FedEx delivery or any other place downtown that doesn't have a rear entrance let's say, you're going to have that. Yes. It's something we're going to have to live with when we prosper, I guess.

All right. That being said, we closed the public hearing. There's no more from the Board?

On the resolution for Word Fortunes, Inc., 28 North Street, coffee shop and coffee roasting facility, both roasting and coffee made for use for in-house use and also for retail and/or wholesale, whatever Mr. Lee decides to do, so there will be some shipping out of material. Hours of operation will be daily from 9:00 a.m. to 5:00 p.m. There will be no baking or cooking on the premises. Occupancy will be determined by the Middletown Fire Department. Use of any machinery within the building will be determined by the Middletown Fire Department. Parking is waived. Applicant will have to follow up with the Architectural Review Board for façade and 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. Other federal rules and regulations may need to be followed because of the roasting of coffee. 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. Madden.

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

RDM Group Resolution

Mr. Capozella: That concludes our agenda for applicants, but also on the agenda this evening we have a resolution that is in front of the Board. This resolution has to deal with an applicant, RDM Group, which is on Dolson Avenue in Middletown, 102-128 Dolson Avenue. This is an applicant that presented in September, and we needed a clarification from both the applicant and the Planning Board, so the resolution had to be reworded so that both the applicant and the Planning Board are meeting the intent of the application.

We will not be voting on this this evening. I want to give the Board members some time to review it and look at it. I was not here at the September meeting, but I did read the minutes and I do know what the Board's intentions were for this applicant, and we wanted to make sure that those were included in that resolution both for the Board's sake and the applicant's sake. So if you wish to discuss this, have any questions on this, we can do that this evening. We'll get started so that next month we can have a vote. If you have any questions, you can raise them now.

Mr. Naumchik, did you get a copy of this revised resolution?

Mr. Naumchik: Yes, I did. Can you hear me?

Mr. Capozella: Yes.

Mr. Naumchik: I have a question.

Mr. Capozella: Sure.

Mr. Naumchik: This resolution I'm assuming is going to amend the resolution that we did before; correct?

Mr. Capozella: That is correct. Actually, the resolution that you did in September wasn't official because it wasn't signed as of yet, and when it came time to sign that resolution, that's when there was some need for revision to clarify what was the intentions of the applicant and the Board.

Mr. Naumchik: Okay. So shouldn't the new resolution say that it amends the last resolution?

Mr. Capozella: I don't know. We can follow up on that. Since the first resolution, to the best of my knowledge, was not made final or official, I'm not sure if we have to amend it.

Mr. Naumchik: According to what I see here, it was voted on by Nicole and there was a second and there was a vote.

Mr. Capozella: Oh, you mean --

Mr. Naumchik: Or am I looking at the wrong resolution?

Mr. Croughan: No. You're looking at the right resolution. That was the resolution that was presented and that was voted on, but ultimately that resolution was not signed off on.

Mr. Naumchik: Okay.

Mr. Capozella: We can easily double check that. If the wording has to have amended, so be it. So we'll have to check on that, John, to be honest with you.

Mr. Naumchik: All right. Because I guess I'm the one that's supposed to be signing this resolution; correct?

Mr. Capozella: That is correct. The resolution from September was not signed.

Mr. Naumchik: All right. So it doesn't have to be revoted on because we're changing it?

Mr. Capozella: We are going to revote on it next meeting. I didn't want to do it this evening. I wanted everybody to have a chance to see it and look at it.

Mr. Croughan: And also notice to public.

Mr. Capozella: Yeah. We have to -- we're going to put it in a public notice next month.

Mr. Naumchik: Okay. Yeah. Because that was my next question. Does the public have to comment on this new resolution for a new public hearing, or no?

Mr. Croughan: No.

Mr. Naumchik: No? Okay.

Mr. Capozella: Okay. Anybody else have any other questions or comments?

Mr. Madden: Just real quick. As I read it over, it seems like the clarifications meet all the needs and desires that the Board wanted in September, which was limiting nighttime noise and, you know, truck traffic around the building. So as I read it right now, I think that, you know, it's satisfactory to what we desired back in September.

Mr. Capozella: Okay. That's why we're clarifying it, to make sure everybody understands exactly what's going on, and then we know the Board was seriously worried about noise and traffic, so that's what we're trying to make sure we get in here and, of course, the applicant was in agreement but also has needs as far as his operations that he needs to fulfill also, so hopefully we met both of those.

Mr. Britto, anything?

Mr. Britto: No.

Mr. Capozella: Ms. Witt?

Ms. Witt: No.

Mr. Capozella: Okay. Mr. Naumchik, any other questions?

Mr. Naumchik: No. That's all. Thank you.

Mr. Capozella: No problem. Thank you. All right. So if you have any questions, you can always speak again next month. We plan on voting on this next month to make it official and sign it off.
That's it for the agenda.

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

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

Adjourned 7:30 p.m.

Respectfully Submitted,

Diane Genender, Transcriber