

**CITY OF MIDDLETOWN  
PLANNING BOARD  
MINUTES**

**January 06, 2021**

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on January 6, 2021 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

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

Members Absent: Nicole Hewson.

The Pledge of Allegiance was said.

Motion to approve the December 2, 2020 minutes by Mr. Britto, seconded by Ms. Witt.

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

Roll Call Abstain: Dan Higbie.

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 -- RESOLUTION CLARIFICATION**

Mr. Capozella: The first thing we're going to do this evening is we need a motion to vacate the original resolution that was done I believe in September, September meeting, and so I need a motion to vacate that resolution so that we can discuss this resolution and move forward.

Motion by Mr. Madden, seconded by Mr. Higbie.

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

WHEREAS, RDM Group filed an application with the Planning Board of the City of Middletown seeking a special use permit and site plan approval in order to have a warehouse and distribution facility located at 102-128 Dolson Avenue, Middletown, New York. Section 48, Block 1, and Lot 1.2., and

WHEREAS, after due notice public hearing was held by the Planning Board on June 24, 2020 and September 2, 2020 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

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

WHEREAS, all testimony has been carefully considered.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Middletown hereby approves the application of RDM Group for a warehouse and distribution facility located at 102-128 Dolson Avenue, Middletown, New York. Hours of Operation shall only allow vehicle deliveries from the hours of 7:00 a.m. to 9:00 p.m. daily. There will be less than 25 delivery vehicles per day. There will be no work done outside of building or moving of delivery vehicles after 9:00 pm and before 7:00am. Hours of Operation for internal activities will be considered 24/7. It is understood that internal activities are limited to the stocking of the facility for intent of loading shipping vehicles from the hours indicated and there will be no manufacturing of products. All internal activities shall not at any time violate the City of Middletown noise ordinances. The landscaping plan will include larger (10'+) trees and the landscaping will be maintained in perpetuity. There will be no overnight parking or truck idling allowed. The applicant will conform to the Zoning Board minutes of November 20, 2019 and January 15, 2020 and ZBA Resolution dated January 15, 2020. This approval is contingent upon approval from DPW and Police Department on the traffic flow in and out of facility and updated site plans. 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. Madden.

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

**Recommendation to the Common Council  
J&G Builders, LLC  
32 Davidge Road and 67 Highland View Place  
subdivision of 2 existing parcels to become 7 lots**

Mr. Capozella: Basically, the Planning Board's position is we only make recommendations, but I do know that Mr. Adkins has some recommendations to pass on.

Mr. Adkins: The only recommendations I have are on the fire hydrants they'll be installing, that they put storz connectors on them, and once that's installed and running, we'd like to have a flow test done to know what kind of volume and pressure they're going to be supplying.

Mr. Capozella: Anything else? Mr. Welch, anything?

Mr. Welch: No, sir.

Mr. Capozella: Yes, Mr. Naumchik.

Mr. Naumchik: Mr. Welch, for the record, all of the seven lots are buildable lots; correct? They have enough space?

Mr. Welch: Correct.

Mr. Naumchik: They do. What about the roads, the City road? That's not a City road yet, it's a paper street yet?

Mr. Welch: It's paper. There's no road there.

Mr. Naumchik: There is no road, but they're going to be created?

Mr. Welch: Just like they did at the beginning of the project.

Mr. Higbie: Okay. And there's enough room, even with the -- because obviously the road that's in there now is very narrow. It's not going to meet the City's --

Mr. Welch: It's for emergencies only.

Mr. Higbie: Okay. But even --

Mr. Welch: It has to conform with the City of Middletown, so Mr. (inaudible) is a great builder. He's knows what -- it'll be fine.

Mr. Capozella: Any other comments from the Board? Yes, Mr. Madden.

Mr. Madden: The environmental form, question 12B, they answered yes. Is that anything we need to be cognizant of?

Mr. Capozella: 12B?

Mr. Madden: 12B.

Ms. Hansen: I do have the engineer on the line if you wanted to talk to him.

Mr. Capozella: Oh, that'd be great. Could you introduce yourself, sir?

Mr. Queenan: Good evening, everyone. John Queenan from Lanc & Tully Engineering. Thank you for taking the time tonight. If anyone has any questions from the Board or the Chairman, you know, I'm here to answer anything that you have any questions on.

Mr. Capozella: Yes. One of the Board members did have a question on your environmental form, number 12 B as in boy.

Mr. Queenan: Yes. So on the environmental form, how you do this now is the DEC automatically answers some of these questions based upon what is in their database, so it kind of follows question A, which, you know, does the project site contain any, you know, archaeological or historic places, and the answer generated by the State was no, but I guess this area of the City is considered a possible, you know, sensitive area for archaeological sites. So what that means is basically the State makes these giant check zones. It doesn't necessarily mean that there's anything of significance there, and there probably isn't, only because the area has

been disturbed and was previously approved with the original Country Club Estates subdivision. That's what generates that yes answer. But we will need to get a letter from Shippo to support that before final approvals because we need other approvals from the Health Department and DEC for sewer and water extensions.

Mr. Capozella: Okay. I think that answers the question. So if they proceed, they'll need the proper documentation from Shippo in order to follow through with the project.

Mr. Madden: And one further, 13B was not answered.

Mr. Capozella: Did you hear that Mr. Queenan?

Mr. Quinn: Yes. I'm looking right now. Yeah, because 13A was no, so what 13 is asking does any part of the site contain wetlands or water bodies. The answer for the site is no, so then you don't continue on to B because we're not physically altering any wetlands because none exist.

Mr. Capozella: Okay. All right. Thank you, Mr. Queenan.

Mr. Croughan: And did Mr. Queenan hear Theron's comments?

Mr. Capozella: Mr. Queenan, did you hear Mr. Adkins's comments about the fire hydrants and getting storz connections and then requiring a flow test?

Mr. Queenan: Yes, I did. I wrote them down. We have no objection to putting the storz on, and we will do the fire hydrant flow test. That's not a problem.

Mr. Capozella: Okay. I don't know for a fact, but do I need to open a public hearing for this? It's a subdivision; right? Nothing to do with that.

Mr. Naumchik: The Council will have the public hearing.

Mr. Capozella: Correct. Right. I did forget. Sorry.

All right. Is there any other questions for Mr. Queenan?

All right. Then it'll be a resolution basically moving this subdivision forward and with our recommendations to the Common Council.

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

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

**Sue Meng**  
**28 Grand Avenue**  
**a bookstore, an office, a coffee shop, and a residential apartment**

Mr. Capozella: We have received the mailings, Ms. Tu?

Clerk: Yes.

Mr. Capozella: Okay. All right. Ms. Meng, can you try to describe for us what you want to do?

Ms. Meng: Primarily a bookstore, a coffee shop, and an apartment.

Mr. Capozella: Okay. We have to open a public hearing.

*The public hearing was opened.*

Mr. Capozella: Ms. Tu, do we have anyone on the telephone?

Clerk: No.

Mr. Capozella: Any written responses?

Clerk: No.

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

Ms. Hansen: I'm double checking, but I have not received word as of yet.

Mr. Capozella: Okay. Well, I'll come back anyway. That's fine. So I'll open the questions up to the Board. Any questions?

Mr. Croughan: Well, my understanding is there's going to be cooking going on in the coffee shop. Theron, Mr. Adkins, is there any issue with that with having the

apartment above it?

Mr. Adkins: They're just going to have to make sure that they meet the proper codes, proper hood systems and all. There's a whole section of code on that that they're going to have to meet, you know, between myself and the Building Inspector to be in compliance.

Mr. Capozella: So, Ms. Meng, do you plan on having -- doing any baking or cooking on the premises?

Ms. Meng: We have (inaudible), so light baking. Yes.

Mr. Capozella: Do you understand that as a yes? There's going to be baking or cooking on the premise; is that correct? Irregardless of that answer or nonresponse, the City of Middletown will make sure that they do whatever inspection they need to do and allow you to do whatever you're planning on doing.

That also will apply to your apartment, whether it meets the regulation square footage for an apartment; is that correct; Mr. Adkins?

Mr. Adkins: Yeah. We'll have to check the zoning and the code to see the minimum square footage for that area. I'll have to confer with the Building Inspector on that.

Mr. Capozella: Okay. There's also, as far as the inside, on the outside there happens to be a storage container. Ms. Meng, you cannot have a storage container, even with a permit. That will have to be removed, and our inspectors will be in contact with you to make sure that you remove it from the site.

Ms. Meng: Okay.

Mr. Madden: Mr. Chairman, what about the parking plan? I see there's a plan here with cars, but I don't see any lines or handicapped spots.

Mr. Capozella: Yeah. She does have a site plan that does have parking spots marked 1 through 11. She also has the storage container marked, which that will be removed. She does have her entrances marked, her ADA marked. There is one issue though that she actually has two curb cuts on Grand Avenue, and parking spot number 3 will block one of those curb cuts. She understands that, and our recommendation from the Board will be she actually signs it properly, say no entrance, no exit at that location right there. And also, she may or may not, I don't know the circumstances, Mr. Welch or Mr. Adkins, whether she needs a sign to

indicate that ADA parking is the in the rear. I don't know if that's a requirement or not, but I guess when you do your inspection of the property, I just want it on the record to let Ms. Meng know that these are probably going to be some of the items that we're looking for and that she may have to install before she gets her approval or at least her CO before she occupies the building for its intended purposes.

Mr. Higbie: It doesn't look like an engineer did these parking spots or whatever. It doesn't have the right angles to get in or get out safely. I would be a little concerned with --

Mr. Capozella: We're making an assumption because she has the spots marked and supposedly 9' by 19'.

Mr. Higbie: Yeah. But what about the actual -- number 3 I would think would be very hard to --

Mr. Capozella: Well, the property itself, if you've seen the property, it is accessible.

Mr. Higbie: Okay.

Mr. Capozella: Is it the easiest spot to get in and out of? No.

Mr. Madden: She's got signage up right now indicating the business is a coffee shop, bookstore, and meditation, and I don't see anything in the plan about meditation, so maybe she should speak to us about that.

Mr. Capozella: Ms. Meng, did you hear the question?

Ms. Meng: About the meditation. It's an ancient practice based on the principles of the (inaudible). We have one book, that we have the book in (inaudible) languages including (inaudible), and five meditative exercises (inaudible) exercise instructions for free. The book and the meditation itself, it's (inaudible). They have outstanding life benefits (inaudible) relieve stress, etc., (inaudible) countries. That's pretty much all I can say now.

Mr. Capozella: Well, Ms. Meng, I'm going to be totally honest with you. You are barely audible. We have a very difficult time understanding what you're saying. The mic or the telephone or whatever device you're using makes you sound far away, hollow almost, and it's barely audible. I don't know if you're on a phone, speaker, I'm not quite sure. I don't know how to address this, but the Board is

going to have to act on what we think we've heard, and anything that we have asked you to do, you're going to have to try to do. I don't know how else to do this, and unfortunately for the record, the minute are probably going to be listed as inaudible. Our transcriptionist will not be able to understand that.

Ms. Meng: I can hear you all right. Can you hear me?

Mr. Capozella: No. It's very poor. It's almost indistinguishable. We can't understand what you're saying. There's a background noise, like a hollow sound behind you.

Mr. Britto: Could we ask her to come back -- come in or try again next month?

Mr. Capozella: We could.

Ms. Hansen: Ms. Meng, if you're on -- do you have your phone on speaker? If you could take it off and put it to your ear, that might help us.

Ms. Meng: I am using a (inaudible).

Mr. Higbie: Why don't we table this?

Mr. Capozella: I'll leave it up to the Board. Hold it, guys. We've got three people talking. All right. So let me see what I can gather here.

Mr. Higbie, you think the parking plan is inadequate. Is that what you're saying?

Mr. Higbie: Yes. I think the plan in general is very vague. Whatever she was talking about with meditation, we know the definition of meditation and we know what meditation is, but we're wondering how that, or at least I'm wondering, how that works with a coffee shop and a bookstore. It seems like two different things.

But the way that the parking is written on here, I mean, you have like a big grass area here, and there's no way you're going to get three parking spots unless you're planning on removing that. But I think we need a better plan. I think the plan is very vague.

Mr. Capozella: Well, let me address the meditation part first. If we -- just a minute. Ms. Meng, just a minute, please. On the meditation part, since it's not on the application, and if we approve this applicant as is, she won't have meditation, she'll just have the coffee shop and the bookstore because that's what she's applied for, and that's what we're going to vote on; okay? And if Ms. Meng, if you want

and if you have your heart set on meditation, we'll table this and you'll have to come back and explain to us and maybe somehow more audibly explain to us what's going on.

As far as the parking is concerned, once the DPW gets in there and if it needs to be adjusted, it'll be adjusted. I don't know if she has enough parking by code one way or the other. Has anyone looked at that, Mr. Adkins, Mr. Welch?

Mr. Adkins: No.

Mr. Capozella: I mean, I don't know how you would judge a coffee shop, it's a very small square footage business, for employees and the parking. It's probably more than adequate.

Mr. Croughan: And the residential.

Mr. Capozella: And the residential, right, which may or may not be permitted dependent upon the square footage of that is being looked at for the apartment. So there may not be any residential.

I did have a question though on that fact. If the owner resides there, does the square footage requirement still apply for an apartment?

Mr. Adkins: Yes.

Mr. Capozella: Yes. Okay. Double checking. That's all.

Ms. Hansen: Her audio might be better. She switched phones.

Mr. Capozella: Okay. Ms. Meng? Are you there?

Ms. Meng: Yes. Can you hear me?

Mr. Capozella: That's better. Have you been able to hear what's going on, Ms. Meng?

Ms. Meng: Yes. I lost a little bit when I'm switching, but I heard most of it.

Mr. Capozella: Okay. Well, right now, the Board is unsure about your parking and kind of unsure about what you're planning for meditation. Can you explain the meditation part?

Ms. Meng: The meditation is about, because we're not a general bookstore, it's a

specialized bookstore for Falan Dafa meditation, which is the ancient practice based on truthfulness, compassion, tolerance. So we have the books and video, exercise video, in more than 20 languages, so as part of the bookstore activity, we do give free exercise instructions and even workshops per customer request. So that's the bookstore contents.

Mr. Britto: That would happen in the bookstore section of the map?

Ms. Meng: Can you hear me all right?

Mr. Madden: Would that happen in the area that you have designated as the bookstore?

Ms. Meng: It depends because right now the pandemic situation, it's hard. We will see, you know, how it works during -- if the weather, you know, if weather permits, we may do free sessions outside, but right now we really don't know. We don't want to be affected, you know, by the pandemic situation. We need to be cautious.

Mr. Madden: What outside space would you be utilizing?

Ms. Meng: Can you repeat the question again?

Mr. Madden: You said weather permitting you would do the meditation outdoors. Where would that take place?

Ms. Meng: Outdoor or indoor, yeah, when the safety issue is not there, because when customers buy the books or the video, they may want to see a demo or learn, you know, how to do the exercises. That's what I'm saying, so we do assist customers with meditation instructions as part of our services.

Mr. Capozella: I just want to make you aware of also, Ms. Meng, that no matter what we do approve, bookstore, meditation area, that the occupancy, the number of people that you'll be allowed to have in there at any one time will be determined by our Fire Department, just so you know.

Ms. Meng: Okay. Yeah. I understand.

Ms. Witt: What is your business name, and what are your hours of operation?

Mr. Capozella: I can answer. Well, I don't know the answer properly, but I can tell

you that the hours of operation that she has given us is I believe 7:00 a.m. to 7:00 p.m.; is that correct, Ms. Meng?

Ms. Meng: Yes.

Mr. Capozella: The business name -- do you have the business name?

Ms. Meng: So about the hours, I do have a question though. May I ask a question now?

Mr. Capozella: Sure.

Ms. Meng: Okay. So we're new to town, so we don't really know the situation about the coffee shop hours, so we may ask to open earlier and closer earlier, or you know, open later or close later. It depends on the actual situation. Is it okay with you?

Mr. Capozella: Well, what you need to do, Ms. Meng, is make a decision on that window on how late you want to be open, how early you want to be open, because once you tell us and we have the resolution and we vote on it, those are your hours of operation, and the Code Enforcement will follow those hours operation, and unfortunately, if you want to change those, you'll have to come back. So give yourself a big enough window of time and let us know when you want to open and when you want to close; okay?

Mr. Croughan: You don't necessarily have to operate during that time period though, so if you start off at 6:00 a.m. and put 8:00 p.m., but you find that your hours are 7:00 to 7:00, that would be okay, but you're not allowed to operate after the hours or before the hour.

Ms. Meng: Oh, okay. All righty. So put on the application that is 7:00 to 7:00.

Mr. Capozella: Okay. So those are the hours you're considering, 7:00 a.m. to 7:00 p.m.; is that correct?

Ms. Meng: Yes. And like in the summer, you know, when we figure out other hours, what should we do?

Mr. Higbie: I don't think she understands what you said.

Mr. Capozella: You'll have to come back to the Board, so if you think you're

going to stay open, or you need to be open earlier and stay open later, now is the time to do that. If you want to be open 6:00 a.m. to 8:00 p.m., you don't have to be there. That just gives you the opportunity to work within those hours. So if you think in summertime you'd want to be open a little bit later, now is the time to tell us or else you'll have to back to the Board.

Ms. Meng: All right. In that case, I would say 6:00 a.m. to 9:00 p.m.

Mr. Capozella: Okay. 6:00 a.m. to 9:00 p.m. That's okay. Thank you.

Ms. Meng: Thank you.

Mr. Capozella: All right. We're going to go back to the public hearing momentarily. Ms. Tu, anyone on the telephone?

Clerk: No.

Mr. Capozella: Ms. Hansen, anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Thank you. All right. Back to the Board. Does anyone have any feelings here other than the parking? Meditation, we're just not going to include it in the resolution. If she reads the books and they intend to meditate while they're reading books, that's their business.

Mr. Higbie: The offices that you have on your plan, that's not going to be affiliated with this at all; correct? There's two offices I see in the plan, and it just says office, office. That's not going to be affiliated with your bookstore and coffee; correct?

Ms. Meng: That is the offices for the bookstore for accounting office work, shipping, and inventories.

Mr. Higbie: Okay. But no public is going to be allowed in there; correct? Like that's not public space.

Ms. Meng: They're not.

Mr. Capozella: Okay. I'll put it up for a vote.

Mr. Madden: Mr. Chairman?

Mr. Capozella: Yes, sir.

Mr. Madden: We're going to come up with a resolution to vote on that's going to include no meditation.

Mr. Capozella: That's correct. Well, I can add it to the resolution. I'll put that in. No meditation. It was not on the application.

Mr. Madden: And that would be the only way I would be comfortable voting for it, would be Ms. Meng needs to have the opportunity to see if she wants us to proceed with a vote tonight.

Mr. Capozella: Okay. Did you understand that, Ms. Meng? If you've you're your heart set on including meditation, then we're going to include it -- or excuse me -- if it's included, it's probably not going to be acceptable. Is that what you understand, Mr. Madden?

Ms. Meng: So the meditation is not a separate thing, it's included in the bookstore activity. I'm just adding this word meditation to indicate or to explain the bookstore is specialty bookstore, a specialty bookstore for Falun Dafa Meditation.

Mr. Capozella: All right.

Ms. Meng: So as part of the service, people will check on the exercises, etc., and we call the exercise meditation.

Mr. Capozella: So it sounds like the bookstore and meditation are one and the same, but not --

Ms. Meng: There is no space, not enough space to do that here. It's the classes, the free -- well, when a customer walks in, they say what is this exercise and meditation. We need to explain, demo, or even show how the exercises are being carried out, so those are the meditation contents. It's not like a meditation center; people come here to meditate. We don't have that space at all, it's just part of the bookstore service.

Mr. Britto: I think there's a miscommunication between what a bookstore is and what she's selling.

Mr. Capozella: Yes. And what the intended purpose of the bookstore is.

Mr. Britto: Right.

Ms. Meng: If somebody says, oh, I do meditation every morning, can I use your space, the answer is no.

Mr. Capozella: It's very clear to her that a bookstore is a place for meditation, and it's not clear to us, so would you like her to amend the application?

Mr. Croughan: Is it a permitted use?

Mr. Capozella: Is meditation a permitted use?

Mr. Adkins: What I'm hearing from the applicant is that she's not going to have meditation classes there. She said that if somebody buys the book and they want an explanation on the meditation, that she would show them, but she said, correct me if I'm wrong, I heard not a meditation studio.

Mr. Croughan: I thought she had said that there was going to be people outside potentially.

Mr. Adkins: She said that earlier, but just now she said it's not a studio, and if somebody comes in and asks for space, she would tell them no, to meditate. You can ask her for clarification. I'm pretty sure that's what I heard.

Mr. Croughan: But hypothetically, let's say that she is saying that she wants to do meditation classes, is that permitted there?

Mr. Adkins: I would have to check, but I don't see why it wouldn't be permitted. I mean, it would be like a karate studio, you know, that type of business, you know, like a martial arts studio or something like that. It's zoned C-2.

Ms. Witt: Even with like food, the bakery and the coffee shop, like that would be okay, a permitted use?

Ms. Bruni: As an outsider, can I say something?

Mr. Capozella: Sure.

Mr. Croughan: Public comments.

Mr. Capozella: Public hearing.

Ms. Bruni: Isn't it almost like the library? When you go to the library, you get a book and you go into the reading room, the quiet room. That's how I'm gathering some of this meditation. Their books are specialized, you know, are their books spiritual, are they about meditation, so I think it's a whole different, you know, bookstore.

Mr. Capozella: Right. The definition of.

Ms. Bruni: It's not your Barnes & Noble. This is specialized, and meditation is part of their -- the culture of the bookstore let's say.

Mr. Capozella: Mm-hmm. Good point. Just state your name for the record, please.

Ms. Bruni: Maria Bruni, Economic Development for the City of Middletown.

Mr. Capozella: Thank you.

Ms. Meng: Thank you.

Mr. Capozella: So it sounds like nothing would be against the code, no matter what she decided to do in these parameters that she's given us. The parking may or may not be okay, but the DPW will decide that.

I'm going to put it in the form of a resolution, and if you don't want to do it, we'll table it, but at the moment I'll put it in a resolution and, like always, we rely on our -- once we read the resolution, our inspectors will go out and they'll do their job, and we'll see how it goes.

Mr. Croughan: Before you do the resolution, the public hearing has to be closed.

Mr. Capozella: Yeah. So that being said, I'm going to close the public hearing.

*The public hearing was closed.*

Mr. Capozella: I'll go to the Board one more time for comments if anyone has anything else.

Resolution for 28 Grand Avenue, a bookstore, an office, a coffee shop, and a residential apartment. All these parameters are based upon the DPW's inspection

and Middletown Fire Department inspection as always. The hours of operation are 6:00 a.m. to 9:00 p.m. Cooking and baking on premise. Occupancy will be determined by the Middletown Fire Department. Also, whether the residential apartment is allowed will be determined by the Building Department by the square footage to see if it is a legal residence. Parking will be as drawn. Signage will be added as discussed earlier. DPW and Fire Department will see to that. Parking is waived. If there is an overflow, they have street parking. Storage container will have to be reviewed. 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. Witt, seconded by Mr. Higbie.

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

**Bryce Goddard**  
**57-65 Dolson Avenue**  
**a gaming store**

Mr. Capozella: Could you just briefly describe for the Board what you intend to do?

Mr. Goddard: No problem. Currently, I already have a gaming store in operation. I plan to simply move my location to a bigger area on Dolson Ave. so I have more space and better foot traffic in between from inventory control, and when things do get better obviously, we'll have more room for better tournaments that we can host and more community gaming events.

Mr. Capozella: Okay. For the record, Ms. Tu, do we have his mailings?

Clerk: Yes, we do.

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

*The public hearing was opened.*

Mr. Goddard: I didn't hear what you just said.

Mr. Capozella: Pardon me?

Mr. Goddard: I'm sorry. I just didn't hear what you said. The mic broke off for a brief moment.

Mr. Capozella: That's okay. I'm just going over some business. We'll get back to you in a moment, sir. Okay. Do we have anyone on the telephone, Ms. Tu?

Clerk: No.

Mr. Capozella: Any written comments?

Clerk: No written comments.

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

Ms. Hansen: We do not.

Mr. Capozella: We'll leave the public hearing open, and we'll move on to the Board for any questions or comments.

Mr. Croughan: Mr. Adkins, do you have an opinion on this?

Mr. Adkins: Yes. Because they're changing use from a business to a public assembly, they have to have another means of egress. They just don't have -- the building's too deep and they don't fall within the parameters, so they definitely have to have a second means of egress.

Mr. Croughan: And there is none there currently.

Mr. Adkins: There's only one way in and one way out.

Mr. Capozella: So not to belabor the point, but I don't think the Board is going to move to approval if it doesn't meet code.

Mr. Goddard: May I speak?

Mr. Capozella: Say that again.

Mr. Goddard: I was just asking if I was able to speak currently.

Mr. Capozella: Certainly.

Mr. Goddard: I just wanted to say currently my current store location is only one point of egress as well. Is it the amount of space, or is it a different reason? I'm not sure what that means. Like there was a business there in that location with only one point of egress.

Mr. Capozella: Mr. Adkins?

Mr. Adkins: Yes. I'm not sure where your other location is, but it's your path of travel. It's the length of distance, the furthest distance somebody would have to travel to get out of that building in case of emergency, and because that building is so deep, if there's somebody in the back, you know, in the restroom area or the storage area, you're length of travel is too far.

Mr. Capozella: Two different spaces. That's basically what -- go ahead.

Mr. Goddard: Out of curiosity, I just wanted to clarify what would be able to go into that location, if that's the case, because there was a business before --

Mr. Capozella: Go ahead, Mr. Adkins.

Mr. Goddard: -- and one of the people I know, well, I know of one of the people that was there, and they closed a few of their stores because I bought equipment from them because they were closing a few of their stores prior to the COVID and during the COVID pandemic. So I don't understand how that's an issue for me now but it wasn't before.

Mr. Adkins: So the issue you have with this particular space is the business that was there before was considered a Class B business occupancy.

Mr. Goddard: I can't hear you.

Mr. Adkins: It was considered a Class B or business occupancy or a mercantile, and you're creating a public assembly, so that changes the restrictions that are placed on you for the Fire Code.

Mr. Capozella: This is really an issue that you need to bring to your landlord if they want you to rent the space as you intend to use it.

Mr. Goddard: So what is the requirements for a gaming store for the public? Is it just a second point of egress, or is there more?

Mr. Croughan: There may be more, you know, if the Board still wants to discuss what's there to see if there are any other points, but that is a major factor for the Board right now, but we can certainly proceed and see if there are any other issues that need to be addressed. Mr. Adkins?

Mr. Adkins: My only issue with looking at the plan and looking at the building, they have a nice set up there, they have fire alarms, they just need that second exit. As far as I'm concerned, that's my only concern is that second exit.

Mr. Capozella: So that's the only apparent code issue at the moment.

Mr. Adkins: Correct.

Mr. Capozella: Okay. And, of course, just like any other applicant, the occupancy will be determined by the Middletown Fire Department. Even though he has tables drawn here, a possible layout, that'll also be part of DPW and Middletown Fire Department review, so that may change or vary a little bit. The parking is not really issue because he has an entire parking lot to choose from that he shares with the other businesses there.

Does the Board have any other comments or questions that we can ask Mr. Goddard so that if he has anything else that he needs to do, he can try to resolve it. I think that's the major stumbling issue is the egress.

Mr. Croughan: So, Mr. Goddard, it appears that the Board, at this point, doesn't have any other issues for you, but the issue that you have is a big issue that needs to be resolved.

Mr. Capozella: What we're going to plan on doing is actually tabling this this evening, Mr. Goddard, which means you just have to work out whatever issues you need to work out with your landlord, and then you can come back once those issues are resolved, and then we can meet again.

Mr. Goddard: Got it.

Mr. Capozella: Okay. So the public hearing is still open. Is anyone online, Ms.

Hansen?

Ms. Hansen: Say that again.

Mr. Capozella: Is anyone online public-wise?

Ms. Hansen: Not for this. No.

Mr. Capozella: Okay. Ms. Tu, we have nothing telephone-wise?

Clerk: No.

Mr. Capozella: Okay. In that case, I'm going to close the public hearing.

Mr. Croughan: You can't close the public hearing.

Mr. Capozella: Oh, I have to leave it open. That's right. Sorry. That's why you're here. Thank you.

I'll go back to the Board for any questions, final questions or comments.

Mr. Croughan: Then you would need a motion to table for future consideration.

Motion for Bruce Goddard, 57-65 Dolson Avenue, a gaming store, to table for future consideration.

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

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

**RM Screen Printing, LLC**  
**39-47 Railroad Avenue**  
**screen printing shop**

Mr. Capozella: State your name for the record, sir, and give us your intentions.

Mr. Marroquin: My name is Dany Marroquin. (Inaudible) about 17 years working for other companies, and right now I was working for a company. I was a production manager for a company, but they, because of COVID (inaudible), so we had to close, so right now I'm trying to start my own shop, and that's why I'm

looking to this place. Basically, I already have some clients, and I also have like two or three contract printers that I do printing for them, so what I'm looking this place is just to do the printing. We have a dryer and two (inaudible) presses at the moment, and that's what I'm looking at this space, but it's not going to be like a shop or anything in the building. It's just basically to print the shirts.

Mr. Capozella: Okay. Thank you. Ms. Tu, we have the mailings?

Clerk: Yes, we do.

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

*The public hearing was opened.*

Mr. Capozella: Do we have anybody on the telephone, Ms. Tu?

Clerk: Nobody.

Mr. Capozella: Any written comment?

Clerk: No.

Mr. Capozella: Ms. Hansen, is anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. I'll go the Board for questions, comments. Anyone?

I have a question. The parking spaces that are on your site plan, are they designated just for your business?

Mr. Marroquin: Yes. In that area, yes. I spoke with the landlord. He said that they are there based parking on the front of the building on the other side of the street, so those would be just for my business. At the moment, (inaudible) rent them or what is the plan with us, so I'm not going to have like people coming in and out. Like I am already planning to deliver, make deliveries to the customers that I have, and that's all I'll be working, just doing deliveries. I'm not having people come in or things like that. I'm not planning to do that.

Mr. Capozella: And I just want to clarify. You say bottom floor of building. This is not the basement, is it?

Mr. Marroquin: Yes. It's the first floor.

Mr. Capozella: First floor.

Mr. Marroquin: Yes.

Mr. Capozella: Okay. I was just double checking that it's not a basement.

Mr. Marroquin: No, no. It's the first floor.

Mr. Capozella: Okay.

Mr. Croughan: Is the space you're renting only the 47 x 30?

Mr. Marroquin: Yes. That's the space that I'm looking. Yes.

Mr. Croughan: And do people have access to the elevator?

Mr. Marroquin: No. That originally was like a cargo elevator. Actually, it's going to be out of use. The landlord told me there used to be a shoemaker's company, that they'd have this elevator like a cargo elevator in that area, and so that will be closed. Nobody's going to have access to that, that area. And when I did the plan, because they (inaudible), it was just a space, like the other space is empty, but like it has no use or anything. Like I told them that I'm not going to use the space. At the moment, like I'm starting the business, so I don't know if (inaudible).

Mr. Croughan: And do you have hours of operation? I'm sorry. Do you have hours of operation?

Mr. Marroquin: When I can, it will be 7:00 to 7:00. I want to have like the chance to work late if I need to, so 7:00 to 7:00 it would be.

Mr. Capozella: Would that be daily or Monday through Friday?

Mr. Marroquin: Yeah. It would be Monday to Friday. (Inaudible).

Mr. Capozella: Monday through Saturday then.

Mr. Marroquin: Yes.

Mr. Capozella: Okay. Mr. Welch or Mr. Adkins, you have any comments on this

space?

Mr. Adkins: I talked to the applicant on the phone. Unfortunately, I wasn't able to get to do a site visit because of quarantine issues for him, but it looks pretty straightforward. I think we're just going to have to, when he submits his plans, understand that because of the nature of the business and everything, he's going to have to adhere to the guidelines. I don't know what type of chemicals and anything that he'll be using, so he's aware. He knows the fire codes and, you know, will have to adhere to them.

Mr. Capozella: Okay. That's in our resolution regardless on inspection. Anyone else from the Board?

I'll go back to the public hearing. Ms. Tu, anything?

Clerk: No.

Mr. Capozella: Ms. Hansen?

Ms. Hansen: No.

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

*The public hearing was closed.*

Resolution for RM Screen Printing, LLC, 39-47 Railroad Avenue, screen printing shop. Hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Saturday. Parking is waived. Subject to Middletown DPW and Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. This property is located in the DMU Zone. Applicant will have to apply to the Architectural Review Board for any façade and building business signage. 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 to adjourn by Mr. Naumchik, seconded by Ms. Witt.

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

Preliminary hearing, not for any action but for future presentation and possible action at a date not yet determined.

**108 Luquer Street, LLC  
9-29 Canal Street  
Residential Apartments**

Peter Cirillo, architect, and Andrew Leider, owner.

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

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

Adjourned 8:45 p.m.

Respectfully Submitted,

*Diane Genender, Transcriber*