

**CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
FEBRUARY 5, 2025 7:00 PM
COMMON COUNCIL CHAMBERS
AND VIA DIGITAL TOWN HALL**

Meeting Called By: Anthony Capozella, Planning Board Commissioner
Clerk: Martina Tu, Clerk

Members: Nicole Hewson, Dan Higbie, Richard McCormack, Gretchen Witt, Anthony Capozella, Andy Britto, Dave Madden

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of January 8, 2025
4. NEW BUSINESS
 - Preliminary presentation: Abjo Realty, warehouse/manufacturing development at 17-39 Midland Avenue Extension, Middletown
5. ADJOURNMENT

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

January 8, 2025

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on January 8, 2025 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Anthony Capozella, Andy Britto, Richard McCormack, Dave Madden.

Members Absent: Gretchen Witt, Nicole Hewson, Dan Higbie.

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

The Pledge of Allegiance was said.

Motion to approve the December 4, 2024 minutes by Mr. Britto, seconded by Mr. Madden.

Motion passed. Minutes approved.

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.

Francesly Pena
183 West Main Street
Nail/hair salon

Mr. Capozella: Please step up to the mic, miss. State your name for the record.

Ms. Pena: Francesly Pena.

Mr. Capozella: And what do you plan on doing?

Ms. Pena: I'm planning to do a little nail and hair salon at 183 West Main Street.

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

Ms. Tu: Yes, we do.

Ms. Capozella: Okay. In that case, I'll open the public hearing.

The public hearing was opened.

Mr. Capozella: Ms. Tu, do we have anything in writing?

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the tphone?

Ms. Tu: No.

Mr. Capozella: I'll go to the public. Anyone here wishing to speak on this application, please step forward.

No one stepping forward, I'll to go to the Board for any questions, comments, or concerns.

Mr. McCormack.

Mr. McCormack: Good evening. I'm just a little concerned about the parking over in that area, West Main Street between the Korean restaurant on the corner, the liquor store on the other side, the barbershop, and the deli. What are your plans for parking over there?

Ms. Pena: We have like two or three in the back. I'm planning on working like by appointment, so for now I'm working by myself, so I don't think I need a lot.

Mr. McCormack: Okay.

Ms. Pena: I'm sorry. My English is not --

Mr. McCormack: Oh, no.

Ms. Pena: I try.

Mr. McCormack: Now, the map that you guys provided, I'm a little confused

about the orientation of it. The parking lot that is on this document, is this the parking lot behind the deli, or is this behind your building?

Ms. Pena: Behind the building.

Mr. McCormack: Behind your building.

Ms. Pena: Yes.

Mr. Capozella: No.

Ms. Pena: No?

Mr. Capozella: That's the parking lot across from your building where the landlord owns the property.

Ms. Pena: The street? Oh, yeah, on the street. Yeah.

Mr. McCormack: Then what is the driveway on the other side? There's not two driveways on West Main Street, so you have the Korean restaurant. There's their loading dock. There's 183. There's not a --

Mr. Capozella: Yeah. Right across the street from 183, there's a driveway that goes between -- it used to be a medical rental place, and the conglomerate of buildings where the barbershop is and the liquor store is, that's a steep driveway that goes in the back.

You also can enter that driveway or that parking lot from California Avenue.

Mr. McCormack: Right.

Mr. Capozella: Okay.

Mr. McCormack: So in this drawing, where is California Avenue?

Mr. Madden: It would be all the way to the right in that drawing.

Mr. Capozella: Yes.

Mr. Madden: The parking lot that's being shown is directly behind 183 West Main Street, and I don't believe that parking lot exists.

Mr. Capozella: Yes. It's on the opposite side. I agree. You see where it says West Main Street and driveway?

Mr. McCormack: Yup.

Mr. Capozella: That's where the parking is.

Mr. McCormack: But there's a second driveway on the -- that's what I'm saying. There's not two driveways on West Main Street.

Mr. Britto: Well, there's a driveway, but there's not a parking lot.

Mr. McCormack: There's not a parking lot.

Mr. Britto: This one that's highlighted.

Mr. McCormack: According to this document --

Mr. Capozella: Yeah. That's incorrect. I don't know why that's highlighted there.

Mr. Britto: Okay.

Mr. Capozella: Okay? I don't know why that's there. I only know that across from 183 West Main Street, off of West Main Street, that driveway you see listed there goes into the back -- goes into that building complex back there where all those parking lots are. That's where he owns that property, her landlord.

Mr. Madden: How many parking spots would she be allowed to have?

Mr. Capozella: I think she's allowed about three or four. It came in an email form. I don't know if it's in your packet.

Mr. McCormack: That's what I'm confused about.

Mr. Madden: It might be. It might be in the email.

Mr. McCormack: Is that her parking lot, or --

Mr. Capozella: Just for the record, 183 has been a gaming store and also a beauty salon for a short period of time, and each one that we've approved has been approved under the same premise, that he supplies parking spots in the lot that he

owns.

Mr. Madden: I just think that our concern is that the site plan is demonstrating or displaying a parking lot that does not exist.

Mr. Capozella: Yes. I agree.

Mr. Madden: So the site plan is inaccurate.

Mr. Capozella: I don't know who drew this for her, and I'm not even sure who it came from. In fact, I'm not sure if it's even supposed to be in this packet because this says 101 Monhagen Avenue to be honest with you. I don't know what it's doing in the packet.

Mr. Britto: So would she need to get a new site plan?

Mr. Capozella: I don't think she needs a new site plan. This needs to be taken out of the application.

Did you supply this drawing here?

Martina, do you know if she supplied that drawing?

Ms. Pena: Yes.

Ms. Martina: I think it's her own (inaudible).

Mr. Capozella: You're right. That parking lot should not be part of this application because it's incorrect. We can have her amend it and give us a better site plan.

Mr. Britto: I mean, it's obviously not a dealbreaker from projects past, but just going forward, like Mr. Madden's saying, having it on record as being there I think is our concern.

Mr. Croughan: You can condition the approval upon the applicant providing a site plan that's indicative of the area.

Mr. Britto: I mean, I think that'd be appropriate and safer for us.

Mr. Capozella: All right. Martina has kind of cleared this up. That when an applicant came for 101 Monhagen Avenue, this landlord also owns 101 Monhagen Avenue, so he allowed -- he gave the same parking rights to 101 Monhagen Avenue, and he just sent this with the application. It's wrong, I understand. We'll

have her amend it or the landlord amend it and properly display the parking lot off of the West Main Street, down the driveway and in the back.

Mr. McCormack: Behind the deli and --

Mr. Capozella: Yes. We've had that in the past. He just got lazy and sent the wrong thing. That's my opinion.

Mr. McCormack: Do you intend to have other people working with you that you'll be able to service more than one customer at a time at some point in the future, or is this going to be it for the time being?

Ms. Pena: I think it's just one customer for the time. I mean, I work by appointment, so --

Mr. McCormack: Okay.

Mr. Capozella: So, Ms. Tu, when we get a chance, we'll have to contact the landlord and have him revise that site plan for us, please.

Mr. Croughan: Mr. Martinez, any issues?

Mr. Martinez: No issues presently.

Mr. Croughan: Mr. Guattery, any issues?

Mr. Guattery: Not at this time, sir.

Mr. Croughan: Is there any issue with ventilation?

Mr. Guattery: We had already discussed that, and she's aware of what she has to do and install to be compliant.

Mr. Croughan: Thank you.

Mr. Capozella: Anyone else from the Board?

All right. I'll go back to the public hearing. Anyone present wishing to speak on this application, please step forward.

Motion to close the public hearing by Mr. Britto, seconded by Mr. McCormack.

Motion passed.

The public hearing was closed.

Mr. Capozella: All right. So one of the first things we have to do with this resolution is we're going to make a slight amendment, make sure we cover our bases, resolution for 183 West Main Street, nail and hair salon.

Motion to amend 183 West Main Street that anyone performing the professional services of said application must obtain and display a proper license by the State of New York, which she has already submitted in her packet for her, but any of her employees obviously will have to have a State of New York license.

Motion by Mr. McCormack, seconded by Mr. Madden.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Anthony Capozella.

Motion to approve amended resolution for 183 West Main Street, nail and hair salon, anyone performing the professional services of said application must obtain and display proper license by the State of New York, motion by Mr. McCormack, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Anthony Capozella.

G-Loc Sports, LLC
72 Wisner Avenue
Retail

Mr. Capozella: Good evening, sir.

Mr. Fernandez: Hello, everyone. My name is Yoav Rivero Fernandez. I'm the owner of G-Loc Sports. I want to open a retail sporting goods at 72 Wisner Avenue. Our main attraction will be our boxing brand, but we'll be supplying sporting equipment from all different categories of commercial sports like baseball, basketball, soccer, football. We'll be doing uniforms as well.

Just recently, we've had the capability of doing emergency service uniforms as well.

We'll have an attraction area in our store as well. This attraction area is a

punching bag that analyzes kinetic energy, speed, and endurance of an athlete. It's only found in the west, the UFC, and Prestige Gyms, but we'll be having it in our store as well.

And that's pretty much what we plan to do.

Mr. Capozella: That's a lot. That's good. All right.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: I'd like to open the public hearing.

The public hearing was opened.

Mr. Capozella: Ms. Tu, do we have anything in writing?

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one.

Mr. Capozella: Anyone from the public wishing to address this application, please step forward.

In that case, I'll go to the Board for any questions, comments, or concerns.

Yes, Mr. McCormack.

Mr. McCormack: Can we talk about parking again?

Mr. Capozella: Okay.

Mr. McCormack: Where will they be parking?

Mr. Capozella: Pardon me?

Mr. McCormack: Where will they be parking?

Mr. Capozella: On the street.

Mr. McCormack: On the street?

Mr. Capozella: Yup. Whatever is available, they can use. It's on the street. Yup.

Mr. McCormack: Are we concerned about traffic and movement of vehicles? Again, it's a congested intersection as it is.

Mr. Capozella: Well, they've had stores there before. We've had no issue, so we're always concerned about traffic, but in this case, they have the right to have a store and park on the street as see fit.

Mr. Fernandez: I don't mean to interrupt. I also received a letter from a nearby business just because parking could've been an issue. We have a written letter saying that they give us permission to two to three parking spaces if needed.

Mr. Capozella: Can you submit that, please?

Mr. Fernandez: Yeah. 80 Wisner Avenue.

Mr. Capozella: Okay.

Mr. Fernandez: It's signed by the --

Mr. Capozella: No problem. Let me just grab that from you. I'll read it into the record.

So it says To Whom It May Concern:

I am Jonathan (Inaudible), owner of Angel & Son Premier Auto Spa in 80 Wisner Avenue, Middletown, New York 10940. I give G-Loc Sports, LLC permission to occupy two to three of our parking spaces when and if needed for their customers or employees. If any questions, feel free to contact me at 845-241-3401. Thank you. Angel & Son Premier Auto Spa, 80 Wisner Avenue, Middletown, New York 10940. Signed Jonathan (Inaudible).

So for the record, he gained a couple extra spots.

Mr. Croughan: Yeah. To the extent that they're able to be given.

Mr. Capozella: Correct. All right, Mr. McCormack? Fine.

Mr. Croughan: Any issues from Mr. Martinez?

Mr. Martinez: No issues.

Mr. Croughan: Mr. Guattery?

Mr. Guattery: Sir, my only issue, and I'd like you to be aware of it, 80 Wisner there, that auto detail shop, is the property behind Neiger's, so those two spots, three spots are fine, but it's not the property directly next to your business.

Mr. Fernandez: Okay.

Mr. Guattery: The other concern that we have is the firehouse next to your business is for department members, and it's not a municipal lot, so just as long as you're understanding that the parking available to you would be on the street, not the firehouse lot, and the lots that were given to you by Angel & Son is actually behind Neiger's down through the lot, so it is a bit of a walk, which is fine, just as long as you understand that maybe you might want to discuss the property next to you moving forward.

All right. That's all.

Mr. Fernandez: Okay. Thank you.

Mr. Capozella: Okay. I have to go back to the public one more time. Anyone wishing to speak on this application, please step forward.

Motion to close the public hearing by Mr. Britto, seconded by Mr. McCormack.

Motion passed.

The public hearing was closed.

Resolution for G-Loc Sports, LLC, 72 Wisner Avenue, retail sports, seconded by Mr. Britto, seconded by Mr. McCormack.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Anthony Capozella.

PRELIMINARY HEARING ONLY - Not for any action but for future presentation and possible action at a date not yet determined.

**Promenade Middletown LLC
60-78 Fulton Street
Expansion**

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

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Anthony Capozella.

Adjourned 7:35 p.m.

Respectfully Submitted,

Diane Genender, Transcriber

APPLICATION

PLANNING BOARD

City of Middletown, New York

Lane & Tully P.C.

845-294-3700

Date deemed complete _____

Date _____

Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 17-39 Midland Ave Ext.

Section 9 Block 1 Lot 3.1 and 3.2 Current Zoning District I-2

Building Existing X New X

2. Owner of Property Abjo Realty Corp.

Owner's Address 23 Schunckmunk Rd #201

City Monroe State NY Zip 10950

Phone numbers: Home: _____

Business: _____

Cell: _____

3. Applicant name same as above

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

Fax: _____

Answer 4, 5 or 6

4. **Special Use Permits/Site Plan Approval.** An approval for a special use permit and/or site plan approval is hereby requested. In the space provided indicate the section(s) and classification(s) of the occupancy for which you are seeking a special use permit. Included all uses which are currently or will be in the subject property. All dimensions shall be listed in the space provided. Refer to the tables at the rear of the Zoning Ordinance for requirements in UR-3, SR-3, SR-3A and SR-3B districts. Additional sheets may be attached if required.

Section # 475-24

Classification of Occupancy requested warehouse / manufacturing

Description of what you are requesting: retention of approx. 23,747 SF of existing structures
and construction of 244,790 SF of new buildings for warehouse and manufacturing development

Uses currently in property: mostly vacant buildings

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	475-25.E	15,000 SF	
Front yard	475-25.G	20 Ft	See Site Plan
Rear yard	475-25.H	10 Ft	
Side yard	n/a	n/a	
Side yard			
Parking	475-33	1 space per 2 employees	253

Answer this section only for multiple dwellings n/a

Lot coverage _____

Building height _____

Open Space _____

Playlot _____

Livable floor area _____

Number of Bedrooms _____

- 5. Nonconforming Use.** In the area provided, list each use for which an expansion is sought and the reason therefore. State the current use and all conditions that presently exist and those that will be created. Refer to the excerpt from the Zoning Ordinance Section 475-44. Additional sheets may be attached if required.

n/a

- 6. Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.

n/a

7. Sign at the Place Indicated

Signature: Israel Eisdorfer

Printed Name and Title: ISRAEL EISDORFER

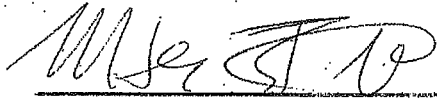
Date: MAY 11/23

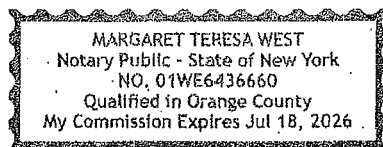
OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Israel Eisdorfer being duly sworn, deposes and
says that he/she resides at 23 Schunnemunk Road, #201
in the County of Orange and State of New York and that he is the
owner in fee or President of the
ABJO Realty OFFICIAL TITLE Corporation which is the owner
in fee of the premises described in the foregoing application and that he has authorized
Lanc & Tully Engineering to make the foregoing application for
approval as described herein.

Sworn before me this 11 day of May 2023


NOTARY PUBLIC




OWNERS SIGNATURE



TABLE OF ZONING REQUIREMENTS
CITY OF MIDDLETOWN I-2 DISTRICT (HEAVY INDUSTRIAL)
PROPOSED USE: WAREHOUSE

MINIMUM	REQUIRED	PROVIDED
LOT SIZE (SQ.FT.)	15,000	740,520±
LOT WIDTH (FT.)	100	1,444±
FRONT YARD (FT.)	20	79.9±
REAR YARD (FT.)	10	37.7±
MAXIMUM BUILDING HEIGHT (FT.)	35 FT.	< 35 FT.

NOTES:
1. NO VARIANCES ARE PROPOSED AT THIS TIME

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GENERAL NOTES:

- TOTAL AREA: 17.00 ACRES
- LIMIT OF DISTURBANCE: 16.50 ACRES
- ZONING DISTRICT: I-2 (HEAVY INDUSTRIAL)
- ZONING OVERLAY DISTRICT: NONE
- BOUNDARY AND TOPOGRAPHY SHOWN TAKEN FROM A MAP ENTITLED, "BOUNDARY SURVEY AND TOPOGRAPHIC MAPPING PREPARED FOR ABJO REALTY CORP.", DATED MAY 26, 2022 AS PREPARED BY ENGINEERING & SURVEYING PROPERTIES.
- CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO THE START OF CONSTRUCTION.
- ELECTRIC, GAS AND WATER UTILITIES SHALL BE COORDINATED WITH THE LOCAL UTILITY PROVIDER AT TIME OF CONSTRUCTION.
- ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.

BUILDING AREAS:

EXISTING BUILDING #1:	6,703 SQ.FT.
EXISTING BUILDING #4:	8,239 SQ.FT.
PROPOSED BUILDING #1:	194,018 SQ.FT.
PROPOSED BUILDING #2:	77,000 SQ.FT.
TOTAL:	285,960 SQ.FT.

PARKING REQUIREMENTS

I. PER CITY CODE BASED ON GROSS FLOOR AREA

WAREHOUSE PARKING REQUIRED FOR 287,033 SF OF WAREHOUSE SPACE:
1 SPACE PER EACH 400 SF GFA (287,033/400) = 718 SPACES

II. PER CITY CODE BASED ON # OF EMPLOYEES

(NUMBER OF EMPLOYEES ESTIMATED USING ITE PARKING GENERATION MANUAL 6TH EDITION)

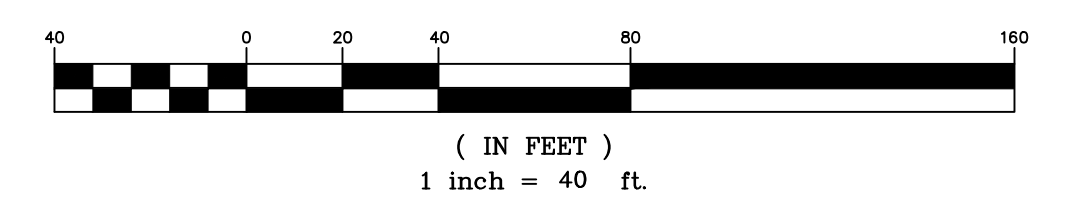
WAREHOUSE PARKING REQUIRED FOR 172 WAREHOUSE EMPLOYEES:
1 SPACE PER EACH 2 EMPLOYEES = 86 SPACES

TOTAL PARKING REQUIRED BASED UPON NUMBER OF EMPLOYEES = 86 SPACES

PARKING PROVIDED

317 PARKING SPACES (INCLUDING 12 ADA ACCESSIBLE SPACES)

GRAPHIC SCALE



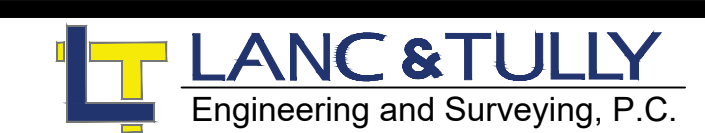
RECORD OWNER:

TAX LOT #9-1-3.1
ABJO REALTY CORP
23 SCHUNNEMUNK ROAD #201
MONROE, NEW YORK 10950
L. 2722 P. 208

RECORD OWNER:

TAX LOT #9-1-3.2
ABJO REALTY CORP
23 SCHUNNEMUNK ROAD #201
MONROE, NEW YORK 10950
L. 15328 P. 141

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P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

SKETCH PLAN
PREPARED FOR

ABJO REALTY

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

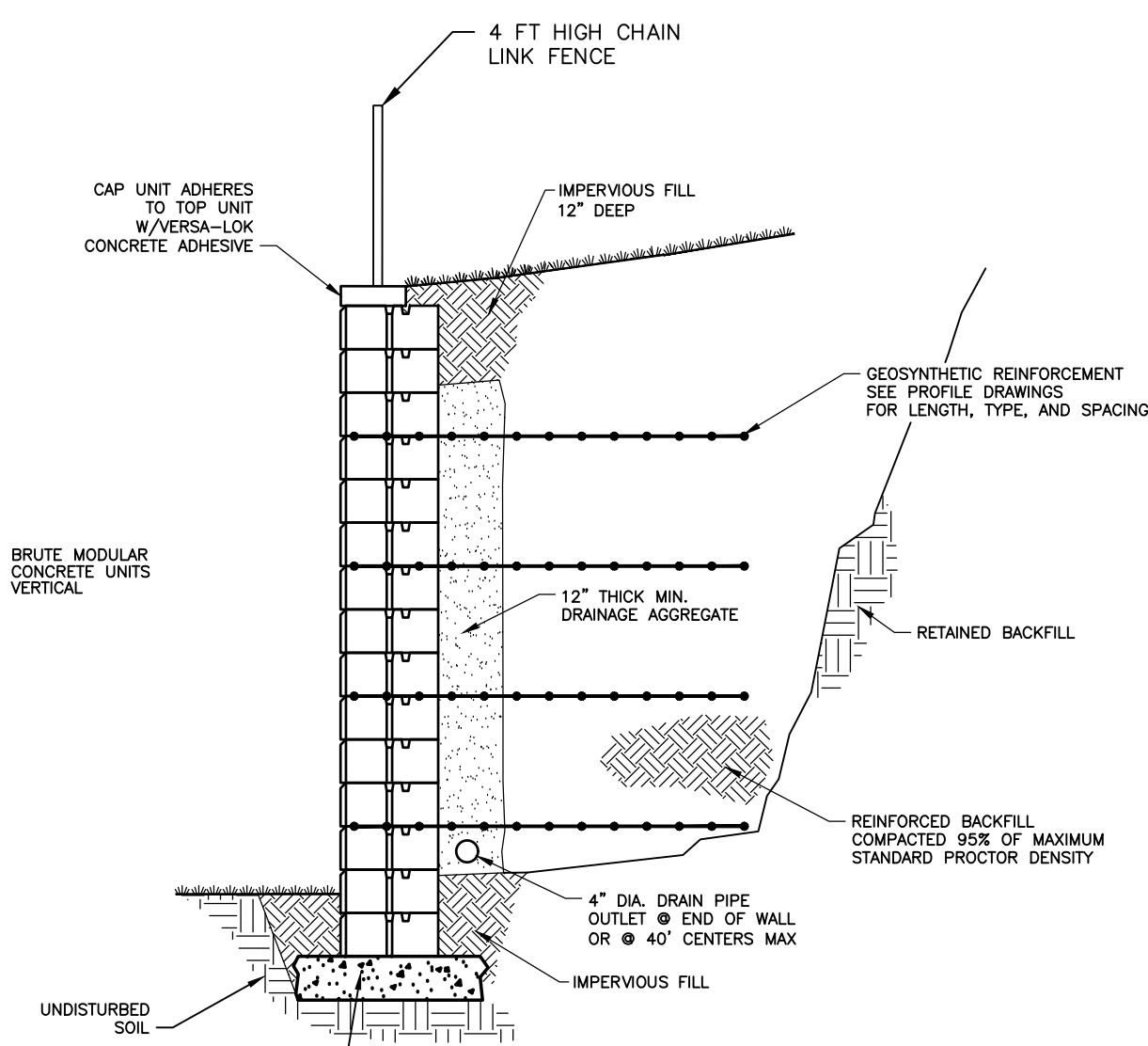
Drawn By:	Checked By:	Scale:	Tax Map No.:	Drawing No.:
SPS		1" = 40'	9-1-3.1 & 9-1-3.2	A-22-0183-C01

DATE: FEBRUARY 8, 2024
REVISION: AUGUST 19, 2024
OCTOBER 25, 2024
DECEMBER 30, 2024

CAD File: 240183-SITE PLAN.DWG
Layout: SITE PLAN
Sheet No: 1 OF 2

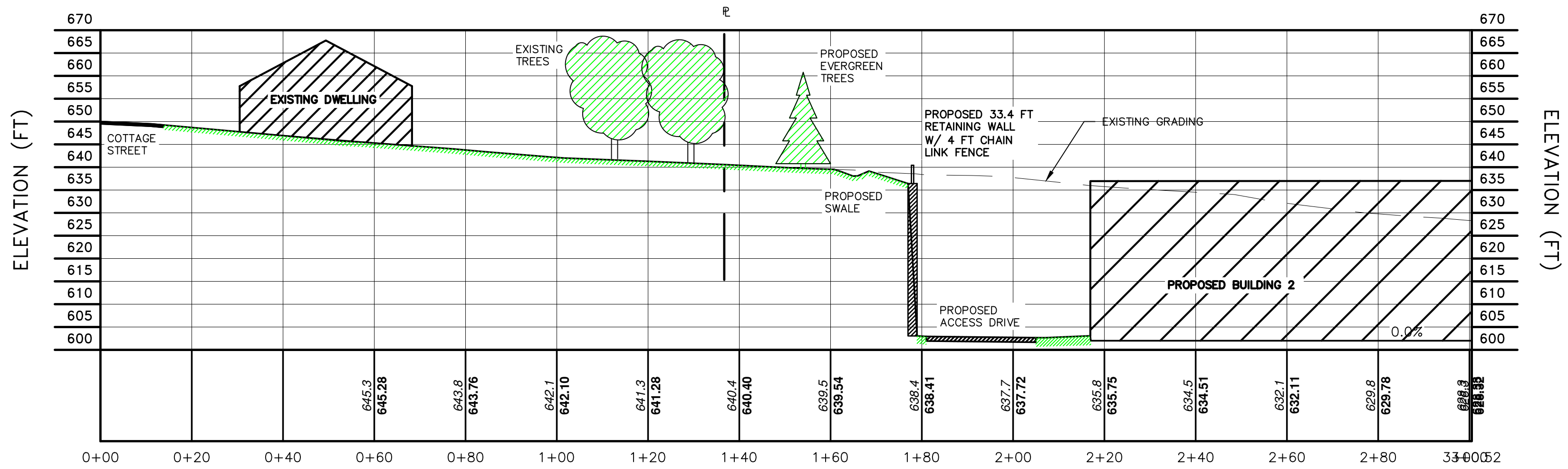


PLAN VIEW
SCALE: 1" = 20'

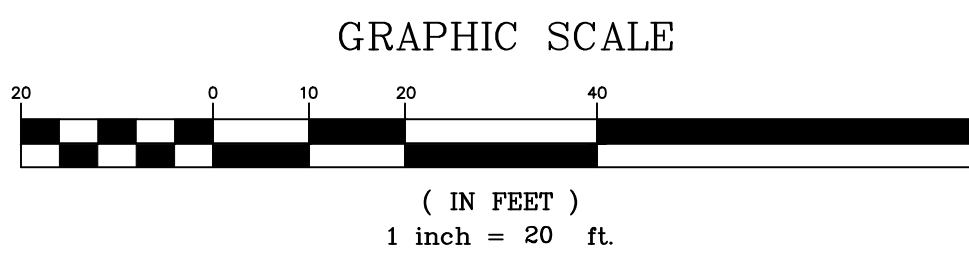


- NOTE:
1. WALL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
 2. CONTRACTOR TO PROVIDE ACTUAL WALL DESIGN SIGNED AND SEALED BY NEW YORK STATE LICENSED ENGINEER FOR REVIEW AND APPROVAL PRIOR TO WALL CONSTRUCTION.

TYPICAL SECTION—REINFORCED RETAINING WALL
NOT TO SCALE



Cross section
ST 0+00 THRU ST 3+00.52
SCALE: HORIZONTAL 1"=20'
VERTICAL 1"=20'



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LANC & TULLY
Engineering and Surveying, P.C.

P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

CROSS SECTION MAP PREPARED FOR

ABJO REALTY

CITY OF MIDDLETOWN
ORANGE COUNTY, NEW YORK

Drawn By: SPS
Checked By:
Scale: 1" = 20'
Tax Map No.: 3.1
& 9 - 1 - 3.2

DATE: OCTOBER 25, 2024
REVISION: DECEMBER 30, 2024
DRAWN BY: SPS
CHECKED BY:
SCALE: 1" = 20'
TAX MAP NO.: 3.1
& 9 - 1 - 3.2
DRAWING NO.: C30
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