

**CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
OCTOBER 1, 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: Dan Higbie, Richard McCormack, Gretchen Witt, Anthony Capozella, Andy Britto, Dave Madden, Yasmin Dupre

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
 - 3.1. Accept the Minutes of September 3, 2025
4. NEW BUSINESS

Request of Aaron Kelly for a special use permit and site plan approval in order to have a gaming lounge and an eating and drinking establishment located at 203-231 Dolson Avenue

Request of Marisol Trinidad for a special use permit and site plan approval in order to have a grocery and deli with cooking on premises, located at 24 East Main Street, Middletown.

Request of Madeline Deluca/Deluca Holdings LLC. for a special use permit and site plan approval in order to have a bar/lounge with a full liquor license located at 23-27 West Main Street, Middletown

Request of Laura Scott, for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 45-53 North Street, Middletown

Request of Tortilleria Parvinci, Inc., for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 40 North Street, Middletown

Request of Anna Madden for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 17 North Street, Middletown

5. OLD BUSINESS

Dewitt Acquisitions proposal for a gas taction and a convenience store at 16 & 18 County Highway 78

6. ADJOURNMENT

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

September 3, 2025

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on September 3, 2025 at 7:00 P.M., Mr. Anthony Capozella presiding.

Members Present: Richard McCormack, Andy Britto, David Madden, Dan Higbie, Yasmin Dupre, Gretchen Witt.

Other Attendees: Sixto Martinez, Building Inspector, Michael Guattery, Fire Department Inspector, Richard J. Croughan, Planning Board Attorney.

The Pledge of Allegiance was said.

Motion to accept the minutes of the June 4, 2025 and August 6, 2025 by Ms. Witt, seconded by Mr. Britto.

Motion passed.

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.

28-30 West Main Street

Mr. Capozella: First on the agenda, it's not on the written agenda because it came in late, but it is an extension.

Good afternoon, Martina.

I would like to put an extension in the Planning Board for the 28-30 West Main Street location. If you have any questions, please let me know. Thank you.

Anthony Valencia

Mr. Capozella: They're in the fifth month. They have to extend for the sixth month or they have to move on. They didn't give a real reason, but I imagine it's money.

Motion to accept the extension by Mr. McCormack, seconded by Ms. Witt.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Kotes of Middletown, LLC

140-142 Dolson Avenue
Eating and drinking establishment (KFC)

Mr. Capozella: The public hearing is still open.

Mr. Ashworth: Good evening, all.

Mr. Capozella: Good evening.

Mr. Ashworth: If you recall, I am Paul Ashworth, architect, representing Kotes of Middletown. The owner is actually back from the vacation, George back there is we have any questions for him, but yes, this is a continuance of last month where we had some opposition from the adjacent property owner about using the parking spots that were not on his property, and it has been resolved.

The current site plan now has all of that information. The parking spots that they were referring to were the ones that were in here, and I didn't have the easement at that point in time.

Mr. Croughan: Maybe you can take the microphone back with you or move it up.

Mr. Ashworth: Yup. That better?

Mr. Croughan: Yes.

Mr. Ashworth: There we go. So I'll start over.

So the parking spaces used to be located here. They're not shown on the site plan anymore, but additionally, I was able to obtain through the surveyor the actual easement line, which you can see, where the drive-thru is, so everything that's for the drive-thru purposes of this KFC are on the property through an easement. I did forward all of this information along with the actual easement document to Ms. Tu a couple weeks ago if I recall, and the client has worked it out with -- the gentleman's name is Eric, I can't remember, of the adjacent property, and that was really about the end of it.

I did speak to Martina and confirmed that we are in compliance for the parking for eating and drinking establishments where it is one parking space for every five seats. We have 24, so rounding it up you have five, and we have 15 parking spaces including two ADA.

Mr. Capozella: Thank you.

Mr. Ashworth: So that really concludes it. I also brought the other drawings with the elevations and stuff if you have any other questions for us.

Mr. Capozella: Okay.

Mr. Ashworth: But that really was about it.

Mr. Capozella: The public hearing remained open, so I'm going to go to the public right now. Anyone wishing to step forward and address this application.

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

Mr. Croughan: Mr. Martinez, any concerns?

Mr. Martinez: No concerns.

Mr. Croughan: Mr. Guattery, any concerns?

Mr. Guattery: Not at this time.

Mr. Croughan: Thank you.

Mr. Capozella: We just want everyone to know also that any agreements that you do have, would you please send them to us?

Mr. Ashworth: Absolutely.

Mr. Capozella: Okay. That's in your resolution tonight by the way. That's the only thing. We updated your resolution from last month. We want to have the agreements in our possession.

Okay. I'll go back to the public. Anyone wishing to address this application, please step forward.

No one coming forward, I'm going to ask for a motion to close the public hearing.

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

Motion passed.

The public hearing was closed.

Mr. Capozella: I will go back to the Board one more time for any questions, comments, or concerns.

Resolution for Kotes Middletown, LLC, 140-142 Dolson Avenue, eating and drinking establishment, KFC. Motion by Mr. McCormack, seconded by Ms. Dupre.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Green Eastern International, LLC
71 East Main Street
Acupuncture clinic

Mr. Capozella: Please step forward. State your name for the record, please.

Ms. Tse: Good evening. It's Winnie, representative of --

Mr. Croughan: If you can pull the microphone down a little bit and make sure you talk loud into it.

Ms. Tse: All right. Representative of Green Eastern International, LLC.

Mr. Capozella: Good. Just briefly tell us what you plan on doing.

Ms. Tse: Yeah. I just want to do the acupuncture business in 71 East Main Street. The opening hour is daily from 8:00 to 10:00 because it's mainly by appointment so it's not disturbing.

And then the site plan is easy, just some beds inside because it's just temporary. Maybe we would stay here for maybe six months or up to maybe a year. I don't know yet.

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

Ms. Tu: Yes, we do.

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

Ms. Tu: Nothing in writing.

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

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

Yes, Mr. Madden.

Mr. Madden: Can you restate your hours of operation, please.

Ms. Tse: The operation hours is from 8:00 to 10:00.

Mr. Madden: That's not what's reflected in the resolution.

Mr. Capozella: What is in the resolution? I do not have it in front of me.

Mr. Madden: 8:00 to 9:00.

Mr. Capozella: 8:00 to 9:00. Are you looking to change your hours? You can always -- if you can do it to 10:00 --

Ms. Tse: Actually, to 10:00 is just clean up. Maybe from 9:00 to 10:00 is clean up after the customers leave.

Mr. Capozella: After they leave.

Ms. Tse: Yes. We would close at 9:00.

Mr. Capozella: What's the Board's pleasure? We'll amend it to 10:00 if that's what you prefer, or we'll leave her actual business hours to 9:00.

Mr. Croughan: What are your actual business hours?

Ms. Tse: It's acupuncture.

Mr. Croughan: What time is your actual business hours?

Mr. Capozella: Hours.

Ms. Tse: From 9:00 to 9:00.

Mr. Capozella: Okay. So be it.

Mr. Madden: So we can leave that.

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

Mr. Croughan: Mr. Martinez, any comments?

Mr. Martinez: No issues.

Mr. Croughan: Mr. Guattery?

Mr. Guattery: My only question is it's for acupuncture. Will you be performing any other procedures or any other services on location? Do you have any intentions to do anything other than acupuncture?

Ms. Tse: No more. Just acupuncture.

Mr. Guattery: That's all. Thank you.

Mr. Croughan: Thank you.

Mr. Capozella: I'll go back to the public one more time. Anyone wishing to address this application, please step forward.

Motion to close the public hearing by Mr. Madden seconded by Mr. Britto.

Motion passed.

The public hearing was closed.

Mr. Capozella: I will go back to the Board one more time though, any questions, comments, or concerns. Mr. McCormack.

Mr. McCormack: Good evening. Will you be using the entire building?

Ms. Tse: No, just first floor.

Mr. McCormack: Just first floor? Thank you.

Mr. Britto: Will you be the only one providing the services, because there's only one license here.

Ms. Tse: No. We have the acupuncturist to do that. I'm just the receptionist.

Mr. Britto: Oh, okay. So this is the license for that person.

Ms. Tse: Yes.

Mr. Britto: Okay. Thank you.

Mr. Capozella: Yes. And as the resolution reads, anyone that does perform any acupuncture must be licensed. Anything else, Board? No? Okay.

Resolution for Green Eastern International, LLC, 71 East Main Street, acupuncture clinic.
Motion by Mr. Madden, seconded by Ms. Dupre.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Fei Tian College
14 Jason Place
Classrooms, lab, and a recreation room (ground floor)

Ms. Wang: Good evening, everyone. Chairman and the members of the Planning Board, my name is Yimei Wang, and I'm representing the college, and we're sending the application to renovate the first floor. The ground floor now is vacant for many years, and we want to convert it to educational and a multi-use purpose area for -- expand the area for the student activities and classrooms.

So right now we already submitted a plan. I think it's a similar use. We have the third and fourth floor already in use for the college academy students, so now I will see any questions you have about the plan.

Mr. Capozella: Okay. We have to do a little procedure first, and then we'll get to you.

Ms. Wang: Okay. Sorry.

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

Ms. Tu: Yes, we do.

Mr. Capozella: Do we have anything in writing?

Ms. Tu: Nothing in writing.

Mr. Capozella: All right. I'm going to go to the public, open the public hearing.
The public hearing was opened.

Mr. Capozella: Anyone present wishing to address this application, please step forward.
No one stepping forward, I will go to the Board for any questions, comments, or concerns.

Mr. Croughan: Mr. Martinez, any comments?

Mr. Martinez: No. Presently I have a building permit application waiting on this, so otherwise no problems.

Mr. Croughan: Thank you. Mr. Guattery?

Mr. Guattery: None at this time. We've been in communication with the applicant as well, and they're working through the process of the permitting.

Mr. Croughan: Thank you.

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

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

Motion passed.

The public hearing was closed.

Mr. Capozella: I will go back to the Board though one more time for any questions, comments, or concerns.

Mr. Madden: Can you explain a little bit about the floor plan and what we're looking at?

Ms. Tse: Yes.

Mr. Madden: What you're proposed?

Ms. Tse: Actually, I don't know if you know that the building is a U-shape from the back, so we will do the -- when you're facing from the back, Seward Avenue, so this is the right side of the area, so this part you see will be just -- it will be like this. I can see you have a smaller version of the paper.

So by doing it this way, so this is only part of the building. So the building, the whole shape will be like this. This is one like this, and then this is (inaudible), and then there's another U, so in the middle here is a parking lot. This road is Seward Avenue.

So the entrance will be facing Seward Avenue, and then we just finished the one portion which is the west end south wing and the ground floor. So if you see from Jason Place, you won't see the ground floor because when you see Jason Place, 14 Jason is already second floor which is medical center. So if you see from the back is the ground floor, and there's a parking lot in the middle.

So we are here. This area is already vacant for a long time. We already finished the third and fourth floor and it's already in use for the college and the academy classroom for a few years, I think back to 2019.

And then we finished this side, the west wing third floor, third and fourth floor I think is two or three years ago, and it's also in use as a classroom.

Now we will now finish this part because we will now add more recreation space and for students, sometimes they're waiting for parents to come pick up and more like a music practice room because we have the music students, and then they do need more space, so that's part of --

so we have a classroom, and also we will now add some computer lab in the back, so it's pretty much more an educational space.

So does that answer your question?

Mr. Croughan: Mr. Madden, do you have a follow up?

Mr. Madden: On your floor plan that you provided us, there's regions that are shaded in and labeled with NIC. What does that mean?

Ms. Tse: I think it's an architect (inaudible), but (inaudible).

Unidentified Male: I think it's not in consideration or something like that. It's, you know, we're not touching those areas.

Mr. Madden: So would that mean they would have to come back if they wanted to develop those areas?

Ms. Tse: Actually, the NIC space is a mechanical room, and then the electric room, they're already in place to supply the third and fourth -- second floor, so that's a mechanical room, and the electrical room is already in place.

Mr. Madden: Okay. Thank you.

Mr. Capozella: NIC might mean not in contract. Whatever they're proposing to do is not in this phase or not in this contract.

Mr. Madden: Thank you.

Ms. Tse: Okay.

Mr. Capozella: Any other questions from the Board? Are you okay with that, Mr. Madden, or do you have any other -- anything else?

Mr. Madden: I am totally okay with that.

Mr. Capozella: Great.

Resolution for Fei Tian College, 14 Jason Place, classrooms, lab, and a recreation room (ground floor). Motion by Mr. Britto, seconded by Ms. Witt.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

8-10 East Main Street, LLC
8-10 East Main Street
Walk-in cooler and loading dock

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

Mr. Chen: Good evening. My name is Changfei Chen. I'm an engineer. I represent 8-10 East Main Street, LLC to apply for approval of adding a new loading dock and walk-in refrigerator for Da Tang supermarket in 8-10 East Main Street.

Mr. Capozella: Okay. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Do we have anything in writing?

Ms. Tu: Nothing in writing.

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

The public hearing was opened.

Mr. Capozella: Anyone present wishing to step forward and comment on this application? None coming forward, I'll go to the Board, questions, comments, or concerns. Mr. Madden?

Mr. Madden: What size trucks will be delivering and using this loading dock?

Mr. Chen: It's like a regular delivery, 19 feet long.

Mr. Madden: 19 foot long box truck.

Mr. Chen: Yes.

Mr. Madden: No tractor trailers.

Mr. Chen: No.

Mr. Croughan: Mr. Martinez, any issues?

Mr. Martinez: Are the trucks going to be moved, just for drop off and then moved?

Mr. Chen: Yes.

Mr. Martinez: So the way it doesn't block the street?

Mr. Chen: One deliver, and then we will have parking, store owned parking.

Mr. Martinez: Where will the trucks be stored after?

Mr. Chen: Our own parking lot. We have a big space in a big yard.

Mr. Martinez: Okay.

Mr. Croughan: Mr. Guattery?

Mr. Guattery: Just to piggyback off of Mr. Martinez there for storing the trucks on property, if we could get a site visit or a site plan just showing where the vehicles would be stored and --

Mr. Chen: Yeah, sure.

Mr. Guattery: Okay. That's all, my only concern would be if we're storing the vehicles, that they be --

Mr. Chen: Yeah. We normally park the truck --

Mr. Martinez: Please provide that with the building permit when you bring it. Please provide it with the building permit when you submit the building permit.

Mr. Chen: Okay, sure. Okay. We'll provide this. We have a big area and parking space on the other side, so we will --

Mr. Guattery: So just document the entire site plan with all the parking and where they would plan on parking.

Mr. Chen: Yes, yes, yes.

Mr. Guattery: Okay. Thank you.

Mr. Croughan: How many trucks would be stored on-site?

Mr. Chen: Just one. One truck.

Mr. Croughan: Thank you.

Mr. Capozella: Anyone else from the Board?

Mr. Britto: How many trucks do you expect a day? Just one a day?

Mr. Chen: Yeah. I think even less than that. When the store requires, you know, the food, and then -- I would say, yeah, one or two a day.

Mr. Britto: Okay. Thank you.

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

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

Motion passed.

The public hearing was closed.

Mr. Capozella: I will go back to the Board one more time for any questions or comments.

Mr. Higbie: Is there anything with the DMU that they have to, this is part of the DMU, for their signs and for their --

Mr. Capozella: Yeah. In their resolution, they still have to do the same thing they would do for any façade work or anything. They have to go to the ARB.

Ms. Witt, did you have a question?

Ms. Witt: No.

Mr. Capozella: Mr. McCormack, did you have a question?

Mr. McCormack: I was going to ask about the DMU.

Mr. Capozella: Okay.

Resolution for 8-10 East Main Street, LLC, 8-10 East Main Street, walk-in cooler and loading dock. Motion by Ms. Dupre, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Timothy Furr

145 Dolson Avenue

Request to extend hours of operation and add beer and wine to an existing IHOP restaurant

Mr. Rhaman: Good evening, everyone.

Mr. Capozella: Good evening.

Mr. Rhaman: I'm Mohammad. I'm the district manager of the IHOP, 155 Dolson Avenue.

Mr. Croughan: Just make sure you speak loud and speak into the microphone.

Mr. Rhaman: So this is Mohammad. I'm the district manager of IHOP, 155 Dolson Avenue, on behalf of (inaudible).

As I said, we would like to open up the beverage, alcohol in our store since we haven't tried anything yet. I think we have submitted the applications to the Board. With your permission, we would like to open around 10:00 a.m. until 8:00 p.m. at this time, and that will help the beverage, the percentage of the sales, and gain more revenue on the business.

We are trying another couple stores, and we're doing pretty good. I think 155 Dolson Avenue will do great in that in the future.

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

Ms. Tu: Yes, we do.

Mr. Capozella: Do we have anything in writing?

Ms. Tu: Nothing in writing.

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

The public hearing was opened.

Mr. Capozella: Anyone present wishing to address this application, please step forward.

No one coming forward, I'll go to the Board for questions, comments, or concerns. Ms. Witt.

Ms. Witt: You have on your operation for hours, you have Monday through Saturday, 8:00 a.m. to 10:00 p.m., but then you just said 10:00 a.m., so, and then on Sunday, you said 10:00 a.m. to 10:00 p.m., so is there a change in your operating hours?

Mr. Rhaman: There is another hearing probably. We would like to open our store 24 hours in that location, so that location we will try a couple of days. We're doing pretty good. Like as I said, if you're open 24 hours, not we're serving alcohol 24 hours. We're going to do certain times, whatever you guys allow with us, but basically we are trying to do 8:00 a.m. or 10:00 a.m. between the time and closing 8:00 p.m. So it's going to be like one and a half shifts. We're not going to do overnight alcohol.

And the first 12 hours we would like to change as well because 24 hours is going to give us more revenue, and I think the service at 24 hours up to 10:00 p.m. to 6:00 in the morning, it generates more to-gos, like 60 to 70 percent of our sales, and in the area I think there is nothing open 24 hours. I think that will generate more jobs in our store and probably another six, seven staff jobs in stores, and plus more drivers around. So if you allow us to open 24 hours, that will be the correct operation for the beverage, the alcohol, beer and wine.

Ms. Witt: Thank you.

Mr. Britto: I don't -- not to speak for you, but I don't think that was her question. You said something about what the hours are, and on the application it says something different, and I think they have to --

Ms. Witt: So if you're saying you're going to be open 24 hours, right, then you're also saying that you're changing your daily hours to 8:00 a.m. --

Mr. Higbie: No. Just the alcohol hours.

Mr. Rhaman: For alcohol.

Ms. Witt: For alcohol hours. Okay. So I think it's just the way it's worded. When you're saying add beer and wine, if you want to say serve beer and wine during those hours, that would probably be better.

Mr. Rhaman: Okay.

Ms. Witt: But I would refer to our lawyer, you know, Mr. Croughan, if he needs --

Mr. Higbie: Yeah. Is it like a law that on Sundays it has to be 12:00 noon or after?

Mr. Capozella: No, not anymore.

Mr. Higbie: Not anymore. That's old news.

Mr. Capozella: Yeah. We looked that all up.

Mr. Higbie: Okay. Okay.

Mr. Croughan: Yeah, but they're still going to be governed by the SLA.

Mr. Capozella: Right.

Mr. Higbie: Okay.

Mr. Croughan: So if the SLA puts restrictions on their hours, that'll be what their hours will be. They're trying for these hours, but ultimately the SLA is going to dictate what their hours can be.

Mr. Higbie: They have the final say. Is there going to be any kind of interior change? I mean, you're not going to put a bar up or anything. This is just going to be alcohol that's available from your waitstaff; correct?

Mr. Rhaman: Correct. There's no change in the store. It's going to be, I mean, alcohol, beer and some sort of wine, mimosas, very light, not hard liquor.

Mr. Higbie: Not hard liquor. Okay.

Mr. Rhaman: To answer your question, nothing changed.

Mr. Higbie: Beer and wine and --

Mr. Rhaman: We're just going to have one small refrigerator in the store. That's it for storage for alcohol.

Mr. Madden: The hours you're proposing for your beer and wine service are 8:00 a.m. to 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 10:00 p.m. on Sundays.

Mr. Rhaman: Correct.

Mr. Madden: That's what we're going to approve in this resolution.

Mr. Croughan: Right.

Mr. Madden: The SLA would be more permissive than that. If they wanted to follow the SLA regulations, they would have to come back to us and change this resolution.

Mr. Croughan: They would. You are correct.

Mr. Madden: Okay.

Mr. Croughan: But if the SLA said they couldn't serve until 11:00 a.m. on Sunday, that would be the hour.

Mr. Madden: Okay.

Mr. Britto: Would they have to come back?

Mr. Croughan: As long as it's within their permitted hours. If it goes beyond that, they would.

Mr. Higbie: You're clear on that too what they're saying; right?

Mr. Rhaman: Yeah, correct.

Mr. Higbie: Okay.

Mr. Rhaman: Whatever the minimum, we'll do it. We won't go over or after.

Mr. Higbie: Gotcha.

Mr. Capozella: Okay. I'll go back to the public hearing one more time. Anyone wishing to address this application, please step forward.

That being said, no one coming forward, I'm going to close the public hearing.

Motion to close the public hearing by Ms. Witt, seconded by Mr. Higbie.

Motion passed.

The public hearing was closed.

Mr. Capozella: I will go back to the Board one more time, any questions, comments, or concerns.

Ms. Dupre: Question. So just to confirm, you are going to remain open 24 hours, but you are going to be updating your menus or signage to include these hours and --

Mr. Rhaman: Correct. We'll have different menu for beverage, anything alcoholic beverage. We're going to have a different menu in the store and same as on the (inaudible) side. So definitely it will mention everything in whatever. The hours are going to be listed on the store.

Ms. Dupre: Okay. Thank you.

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

Resolution for Timothy Furr, 145 Dolson Avenue, request to extend hours of operation and add beer and wine to an existing IHOP restaurant. Motion by Mr. Britto, seconded by Ms. Dupre.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

SEQRA Notice of Intent to serve as Lead Agency

Mr. Capozella: Basically, we're giving the okay for these people to continue their project. We will be the Lead Agency eventually. We'll be declaring total lead agency. This is the segment that basically they have to notify all concerned parties, DEC, County, all those types of organizations, that they have met the requirements to move forward. Then we would declare that we are lead agency.

Mr. Croughan: And it gives the agencies, whether it be municipalities, government agencies, the opportunity to weigh in on the project.

Trodale Developers - 33-49 Mulberry Street

Mr. Capozella: Okay. So the first person up is Trodale Developers, 33-49 Mulberry Street. Good evening.

Mr. Fellenzer: Good evening. Thank you, Mr. Chairman. Good evening, members of the Board. My name is Ryan Fellenzer with Fellenzer Engineering representing Trodale, the applicant for 33 Mulberry.

We are proposing 98 residential units to mixed use, so it will be commercial as well, about 4,000 sq.ft.

We were here last I believe in July where we had presented a revised plan. Since then, we have made a formal submission to the City. We've updated a long form EAF. We've provided escrow, and we requested that the plan go to the City's engineering consultant for review, and we did get comments. I got comments back from Ms. Tu on the CPL letter, so we are in receipt of that.

I do also have a proposed list of these interested and involved agencies per SEQRA I could certainly share with the Board if needed, but we are requesting that we initiate a SEQRA process while we begin responding to our technical comments.

Mr. Capozella: Just so everyone knows, Mr. Fellenzer, also that whoever you do contact for information, that we want to be copied on the return replies from those agencies.

Mr. Fellenzer: Sure. So the applicant will handle all of that?

Mr. Capozella: Yes.

Mr. Fellenzer: Okay. Not a problem.

Mr. Capozella: That's what we prefer.

Mr. Fellenzer: Okay.

Mr. Capozella: And this way, we want proof of it as you get the comments back.

Mr. Fellenzer: Gotcha. Not a problem. And we would draft a notice and share it with Mr. Croughan to review prior to sending it out?

Mr. Croughan: Yes, and if you can also copy CPL on all the agencies that will be involved in case CPL has any additional ones that you should be reaching out to.

Mr. Fellenzer: Not a problem.

Mr. Capozella: I guess I should tell the Board also too, this is not the end. This is still part of the process.

Mr. Croughan: This is the very beginning.

Mr. Capozella: Yeah. We're not at the end yet, not our approval.

Mr. Fellenzer: Unless you want to approve it tonight, I'm fine with that as well.

Mr. Capozella: Very nice. Very good.

Mr. Fellenzer: You've got to try.

Mr. Capozella: Would you like me to put that in a resolution or not?

Mr. Fellenzer: No. You can just strike that.

Mr. Capozella: Okay. You were getting very bold there. We'll give it a shot.

But this is the beginning of the process, so it's not over. We haven't approved it. We're moving toward that goal, that end.

Mr. McCormack: What is your timeline?

Mr. Fellenzer: As soon as possible, as everyone else is. So the applicant's also working with a number of grant applications too for funding. We have to go through SHPO. So we would like to obviously seek approval. My guess is that this will take into spilling to early next year for that, and then we have to start our building application as well for building permit and floor plans, so that'll take a number of reviews, so we're probably into late '26.

Mr. Croughan: Do you have a rendering of what it's going to look like?

Mr. Fellenzer: Correct. We do. So here's one sheet of the rendering.

Mr. Capozella: Do me a favor, Mr. Fellenzer. Just move it this way a little bit because our camera doesn't catch all that. Thank you.

Mr. Fellenzer: So as I mentioned with SHPO, there's going to be some very minor exterior modifications, and next meeting when we have Patrick Ciccone with us, I could have him talk to you about what they're going to be. Basically, the exterior color maybe, paint. They have to get approved from SHPO as a historic property. Really the only large change is our proposed

parking area where we're doing a parking structure on the backside of the building. Other than that, we're trying to keep the exterior profile of the building very similar to as it is now to within the confines of what SHPO will approve.

So there's a couple various elevations of the inside courtyard area, exterior from Wawayanda, Fulton, and Mulberry that are supplied in the packet here, and we'll continue to resupply on our further submissions.

Mr. Capozella: Yes, Mr. McCormack.

Mr. McCormack: You mentioned SHPO a couple of times and their approval process. Have you been in touch with the Architecture Review Board yet to make sure that all those parties -- I would hate to see you go through SHPO and then say this is great, and then go back to ARB and say --

Mr. Fellenzer: Yeah. So I mentioned Patrick, Mr. Ciccone, is on our team, and I know he's been in touch with ARB, and kind of been coordinating that along with our Planning Board Application, so I know that -- I believe that they're waiting for a public hearing to be initiated before they're on an agenda, but they have been in touch and they are coordinating, so thank you for that concern. That's valid.

Mr. McCormack: Thank you.

Mr. Croughan: At what point will you be able to determine the color of the building?

Mr. Fellenzer: It may be determined right now. This proposed rendering right now is what we're trying to get through SHPO. I don't have the latest on what their review is currently. I can certainly provide that information for you at our next meeting.

Mr. Croughan: Thank you.

Mr. Fellenzer: But it's going to be neutral kind of color to keep in with the historic, you know, viewpoint of the building.

Mr. Capozella: Okay. Mr. McCormack.

Mr. McCormack: Are you in receipt of the guidelines provided by the ARB for building color and design?

Mr. Fellenzer: I believe our consultant who is handling that has all of those items.

Mr. Croughan: If not, make sure he does.

Mr. Fellenzer: Duly noted.

Mr. Capozella: Ms. Witt.

Ms. Witt: But on your rendering you're proposing like an ivory color, or is it more of a beige or a white, or what color are you --

Mr. Fellenzer: I think it's closer to something like a white or like an ivory.

Ms. Witt: Okay.

Mr. Fellenzer: A muted white, if you will.

Mr. Capozella: Mr. Higbie, do you have a question or -- okay. Anyone else?
Okay. I was getting ready to call roll. Any more discussion?

Resolution for notice for the City of Middletown Planning Board intent to serve as lead agency.
Motion by Mr. Madden, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Franco Fidanza -- 203-231 Dolson Avenue

Mr. Capozella: You're not going to appear tonight? Okay.

This is the Middletown Commons that we've been studying on and off for two or three years, and they're ready to move forward. They had their O&R discussion, they had their plan, grading, parking. They've got everything in line now.

Mr. Britto: Would there be any reason for us not to declare Lead Agency?

Mr. Capozella: Well, we're not declaring Lead Agency but just our intent to go there.

Mr. Britto: Okay.

Mr. Capozella: Okay? We've taken this very slowly, and we've followed our engineer's guidelines, CPL. We've asked many questions. Is everything 100 percent? No, but that's what I'm saying. This is the start, not the end.

Mr. Britto: Okay. Appreciate it.

Mr. Capozella: There may be questions for every one of these people that come up as we develop more plans, more questions. It's not the end yet.

Mr. Croughan: Might someone come along at some later point and say that they want to be Lead Agency, that could be possible. This just gets the ball rolling to let other agencies know of our intent, and then they can file letters with us saying, hey, this project more is in line with what we're doing, so we want to declare Lead Agency, but this just notifies everyone of the intent.

Mr. Britto: Understood. Thank you.

Mr. Croughan: You're welcome.

Mr. Madden: And that somebody else could be like the County of Orange?

Mr. Croughan: Could be. State of New York, DEC.

Mr. Madden: Now, piggybacking on what Andy just asked, is there any reason why we would not want to be Lead Agency?

Mr. Croughan: No. Because the project is within the City of Middletown, we want to be able to control it.

Mr. Madden: Thank you.

Mr. Capozella: I guess that's the real reason. We want control since it's in our city. That's the real reason why we go about Lead Agency.

Mr. Madden: Thank you.

Motion for Franco Fidanza, 203-231 Dolson Avenue, notice for the City of Middletown Planning Board to declare intent to serve as Lead Agency, by Mr. Higbie, seconded by Ms. Witt.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

Dreamfields, Inc. -- 55 Midland Avenue Extension

Mr. Fellenzer: I'm back. Thank you. Good evening again. Ryan Fellenzer with Fellenzer Engineering representing Dreamfield brands.

This applicant is proposing to occupy 55 Midland Avenue Extension for their cannabis packaging and distribution job, or their business. The parcel itself happens to be split over the City of Middletown and the Town of Wallkill, so about 33,000 sq.ft. building total. About 25,000 of that is in the City, 8,000 in the Town.

We did sit down with the Town of Wallkill in July for a pre-application work session, and I sent the comments that we received from the Town's consultant to Martina.

I also have a printed out proposed list of interested involved parties, so similar to the last application. We'll certainly share that with the Board's consultants, CPL, get their input before we draft a notice and send that out.

So, again, we are requesting that we initiate the SEQRA process to start our application here.

Mr. Capozella: Any questions? We'll have you know that we've been in communication with the Town of Wallkill, and they haven't -- well, let's put it this way. They're okay with us being Lead Agency; all right?

Mr. Croughan: Andy, this would be one where the property abuts too. Part of it is in Town of Wallkill, part is in City of Middletown. Our belief is that since the entrance is in the City of Middletown, we should be the Lead Agency.

Mr. Britto: I get it. I appreciate it. Thank you.

Mr. Croughan: You're welcome.

Mr. Higbie: And once again, we're just voting to be Lead Agency.

Mr. Croughan: Intent to declare Lead Agency.

Mr. Higbie: Intent to be. Correct.

Mr. Capozella: That gives these folks a chance to move forward.

Mr. Higbie: Gotcha.

Mr. Capozella: Again, another project that's going to need some work before we get to the end. Any other questions.

Motion for Dreamfields, Inc., 55 Midland Avenue, cannabis packaging and manufacturing plan, by Mr. Britto, seconded by Mr. McCormack.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Dan Higbie, Anthony Capozella.

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

Dewitt Acquisitions
16 & 18 County Highway 78
Gas station and convenience store

Bell Flavors & Fragrances, Inc.
12 Sprague Avenue
Building expansion/connection.

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

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt, Yasmin Dupre, Anthony Capozella.

Adjourned 8:10 p.m.
Respectfully Submitted,
Diane Genender, Transcriber



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Aaron Kelly for a special use permit and site plan approval in order to have a gaming lounge and an eating and drinking establishment located at 203-231 Dolson Avenue

WHEREAS, Aaron Kelly 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 gaming lounge (playing video games) and an eating and drinking establishment located at 203-231 Dolson Avenue, Middletown. Section 49, Block 1, Lot 7.5., located in the C-3 Zone, which is a permitted use, and

WHEREAS, after due notice public hearing was held by the Planning Board on October 1, 2025 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, according to the SEQRA review, this is determined to be a Type II action as it falls under the maintenance/repair and upgrade section. Therefore, no further review is necessary and Lead agency and Negative Declaration is not required.

WHEREAS, at said hearing 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 Aaron Kelly, for a special use permit and site plan approval in order to have a gaming lounge and an eating and drinking establishment located at 203-231 Dolson Avenue, Middletown. There will be no cooking on premises.

Hours of operation are Monday – Wednesday 01:00 p.m. to 10:00 p.m., Thursday – Friday 12:00 p.m. to 10:00 p.m., Saturday 11:00 a.m. – 11:00 p.m., Sunday 11:00 a.m. – 09:00 p.m.

SUBJECT TO: City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

SUBJECT TO: Any items as stated in: submitted PB application, Public Hearing, Board discussion, City Inspectors' input, PB Engineer, and PB Attorney's recommendations. Information submitted within the application will become part of the record, and the applicant will follow through on and to be held to. Any sale of tobacco related products requires a City of Middletown Tobacco License, such application is handled by City of Middletown Public Works. If applicant is caught selling tobacco products without said license then this use is revoked for this applicant.

THEREFORE: The applicant is only allowed to use the space as designated in the application and resolution. Any changes in building structure and/or use, applicant will need to seek PB approval, if applicable.

WHEREAS, Pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, the applicant will need to submit a request for a six-month extension of the Planning Board approval.

Prepared by:

Attachments:

1.	203-231 dolson
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 9/5/25

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 203-231 Dolson Ave - unit 2, Middletown NY 10940

Section 49 Block 1 Lot 7.5 Current Zoning District C-3

Building Existing New _____

2. Owner of Property Middletown Commons LLC / Franco Fidanza

Owner's Address 265 Route 211 East side 111, Middletown NY 10940

City Middletown State New York Zip 10940

Phone numbers: Home: _____

Business: 845-344-8000

Cell: _____

3. Applicant name Aaron Kelly

If different from Owner

Applicants Address 99 West Main st, Port Jervis NY 12771

City Port Jervis State New York Zip 12771

Phone numbers: Home: Aaronk0002@gmail.com

Business: _____

Cell: 347-261-1196

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 # _____

Classification of Occupancy requested _____

→ Description of what you are requesting: We are a gaming Lounge / Non Alcoholic Bar. Paid admission to play console games such as Playstation or xbox. We also serve non alcoholic juice, smoothies, snacks, (Chips)

Uses currently in property: Mon-Wed (1 pm - 10 pm) Thurs - Fri (12 pm - 10 pm)
Sat (11 am - 11 pm) Sun (11 am - 9 pm)
(11 am - 11 pm)

www.TheUtopiaLounge.com for details if needed

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area			
Front yard			
Rear yard			
Side yard			
Side yard			
Parking			

Answer this section only for multiple dwellings

Lot coverage _____
Building height _____
Open Space _____
Playlot _____
Livable floor area _____
Number of Bedrooms _____

www.TheUtopiaLounge.com

Signature: *Aaron Kelly*

Printed Name and Title: *Aaron Kelly Tenant*

Date: *9/5/25*



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Marisol Trinidad for a special use permit and site plan approval in order to have a grocery and deli with cooking on premises, located at 24 East Main Street, Middletown.

WHEREAS, Marisol Trinidad 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 grocery and deli with cooking on premises, located at 24 East Main Street, Middletown. Section 35, Block 5, Lot 5., located in the DMU Zone which is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on October 1, 2025 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and 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 Marisol Trinidad for a special use permit and site plan approval for a grocery and deli with cooking on premises, located at 24 East Main Street, Middletown. There will be no tobacco products, and no beer, wine or alcohol. Planning Board

waives parking requirements.

Hours of operation are 8:00 a.m. to 8:00 p.m. daily.

SUBJECT TO: City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

SUBJECT TO: Any items as stated in: submitted PB application, Public Hearing, Board discussion, City Inspectors' input, PB Engineer, and PB Attorney's recommendations.

Information submitted within the application will become part of the record, and the applicant will follow through on and to be held to.

THEREFORE: The applicant is only allowed to use the space as designated in the application and resolution. Any changes in building structure and/or use, applicant will need to seek PB approval, if applicable.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval from the Department of Public Works according to Chapter 407 Solid Waste, Article II Collection, §407-3, Collection, and comply with this section and any other sections enacted by the Common Council from this date forward.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval on all façade work, exterior work in general and exterior signage from the Architectural Review Board.

WHEREAS this application is located in the DMU Zone the Planning Board waives parking requirements as per the code.

WHEREAS, Pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, the applicant will need to submit a request for a six-month extension of the Planning Board approval.

Prepared by:

Attachments:

None



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Madeline Deluca/Deluca Holdings LLC. for a special use permit and site plan approval in order to have a bar/lounge with a full liquor license located at 23-27 West Main Street, Middletown

WHEREAS, Madeline Deluca/Deluca Holdings LLC. 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 bar/lounge with a full liquor license in accordance with the SLA regulations under OP 252 located at 23-27 West Main Street, Middletown, Section 31, Block 10, Lot 15, located in the DMU Zone which is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on October 1, 2025 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and 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 Madeline Deluca/Deluca Holdings LLC. for a special use permit and site plan approval for a bar/lounge with a full liquor license, located at 23-27 West

Main Street, Middletown. Planning Board waives parking requirements. Application will be subject to NYS SLA Approval.

Hours of operation are Wednesday and Thursday 4:00 p.m. to 12:00 a.m. Friday and Saturday 4:00 p.m. to 2:00 a.m., Sunday 11:00 p.m. to 11:00 p.m.

SUBJECT TO: City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

SUBJECT TO: Any items as stated in: submitted PB application, Public Hearing, Board discussion, City Inspectors' input, PB Engineer, and PB Attorney's recommendations. Information submitted within the application will become part of the record, and the applicant will follow through on and to be held to.

THEREFORE: The applicant is only allowed to use the space as designated in the application and resolution. Any changes in building structure and/or use, applicant will need to seek PB approval, if applicable.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval from the Department of Public Works according to Chapter 407 Solid Waste, Article II Collection, §407-3, Collection, and comply with this section and any other sections enacted by the Common Council from this date forward.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval on all façade work, exterior work in general and exterior signage from the Architectural Review Board.

WHEREAS this application is located in the DMU Zone the Planning Board waives parking requirements as per the code.

WHEREAS, Pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, the applicant will need to submit a request for a six-month extension of the Planning Board approval.

Prepared by:

Attachments:

1.	23 west main-003
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 8/19/25

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 23 - 27 WEST main ST

Section 3/ Block 10 Lot 15 Current Zoning District DMU

Building Existing New _____

2. Owner of Property KB DEVELOPERS LLC

Owner's Address 6 forster ave

City PARANUS State NJ Zip 07652

Phone numbers: Home: _____

Business: (201) 881-0975

Cell: _____

3. Applicant name Madeleine Deluca / DELUCA HOLDINGS LLC

If different from Owner

Applicants Address P.O. BOX 338

City CHESTER State NY Zip 10918

Phone numbers: Home: _____

Business: (845) 591-8449

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 # _____

Classification of Occupancy requested Bed lounge

Description of what you are requesting: full 1,900 sq ft house Bed lounge
half kitchen not full kitchen

wednesday 4 pm - 12 am thursday 4 pm - 12 am fri 4 pm - 2 am
Sat 4 pm - 2 am sunday 11 am - 11 pm

Uses currently in property: _____
Bed lounge half kitchen not full kitchen

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area			
Front yard			
Rear yard			
Side yard			
Side yard			
Parking			

Answer this section only for multiple dwellings

Lot coverage _____

Building height _____

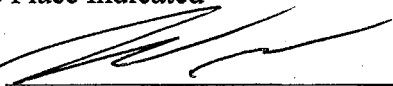
Open Space _____

Playlot _____

Livable floor area _____

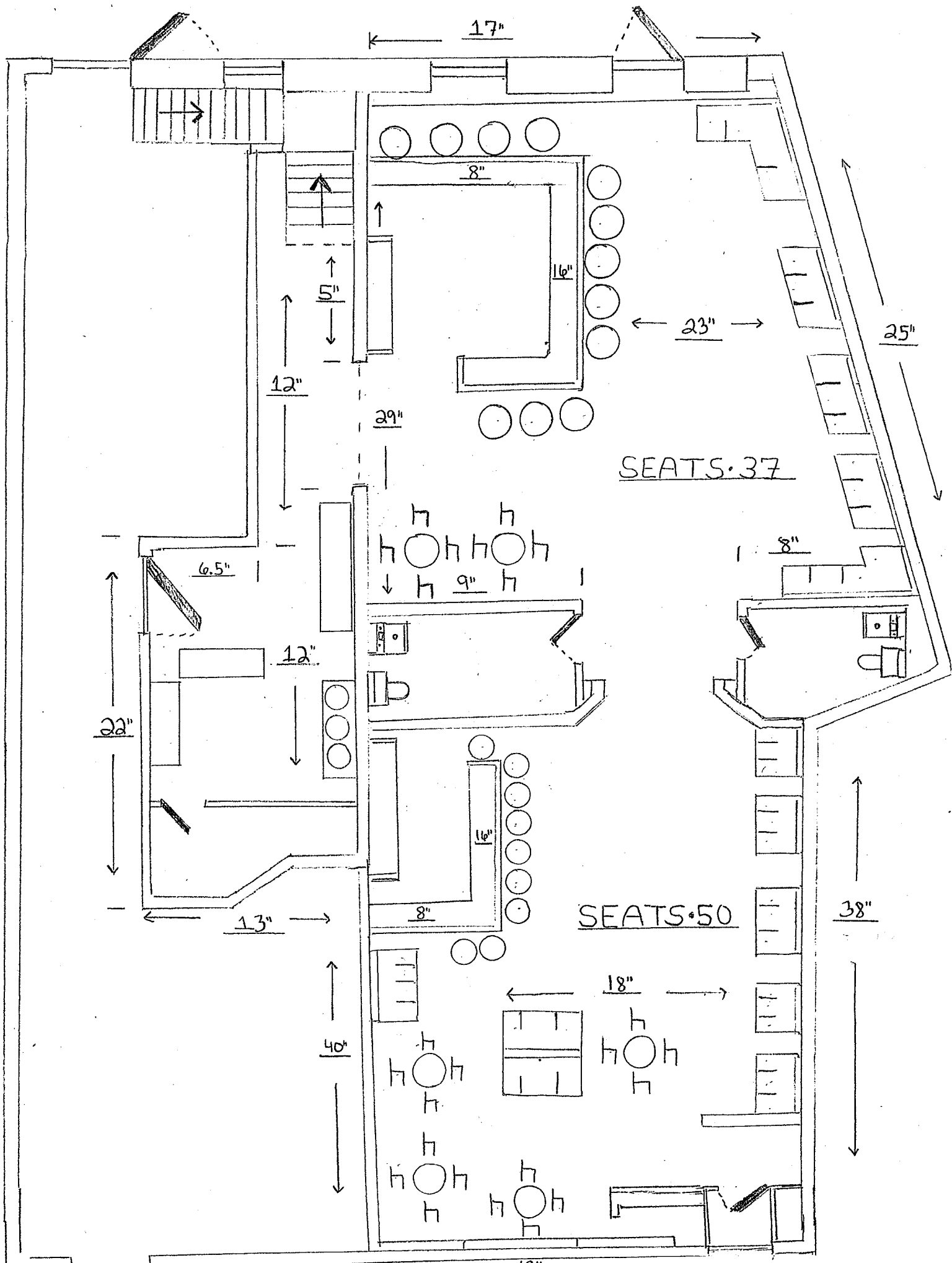
Number of Bedrooms _____

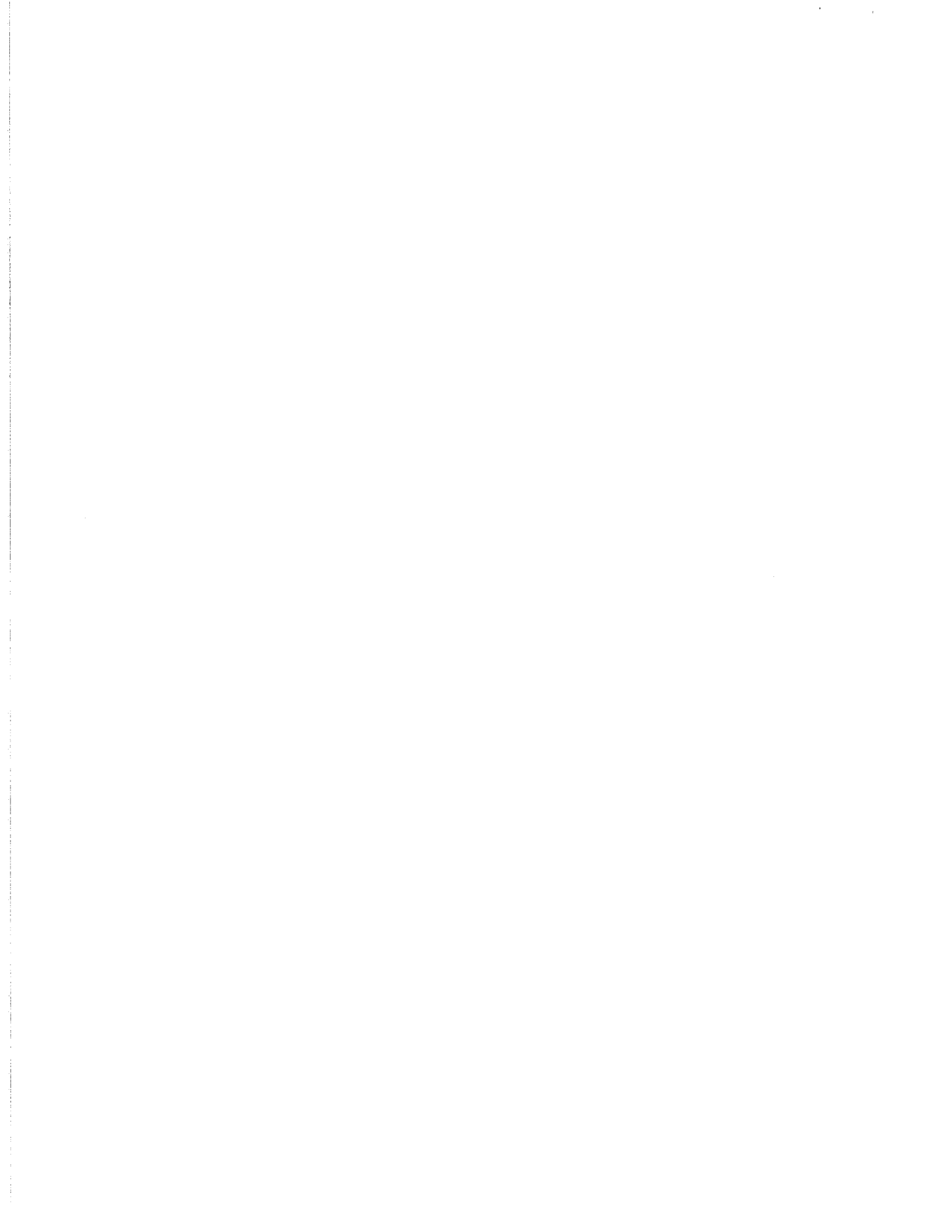
7. Sign at the Place Indicated

Signature:  _____

Printed Name and Title: madeline DELUCA DELUCA HOLDINGS LLC

Date: 8/19/25 _____





OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Maor Shelli of KB Developers being duly sworn, deposes and
says that he/she resides at 6 Forest Ave., Ste. 205 Paramus, NJ 07652
in the County of Bergen and State of New Jersey and that he is the
owner in fee or Partner of the _____
OFFICIAL TITLE
KB Developers Corporation which is the owner
in fee of the premises described in the foregoing application and that he has authorized
Madeline DeLuca of DeLuca Holding to make the foregoing application for
LLC
approval as described herein.

Sworn before me this 18 day of 8 2025

~~NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES
NOTARY PUBLIC~~

Maor Shelli
OWNERS SIGNATURE

ALIAN YAKA
YAKA WAKA TO WAKA WAKA
YAKA WAKA WAKA WAKA
YAKA WAKA WAKA WAKA



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Laura Scott, for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 45-53 North Street, Middletown

WHEREAS, Laura Scott, filed an application with the Planning Board of the City of Middletown, seeking a special use permit to have a full liquor license at an existing eating and drinking establishment located at 45-53 North Street, Middletown. Section 31, Block 7, Lot 27.

WHEREAS, after due notice public hearing was held by the Planning Board on October 1, 2025 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and 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 Laura Scott for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 45-53 North Street, Middletown. Under special legislation that was passed allowing for a waiver of the 200 foot rule for full liquor license issuance at the designated Middletown location, Oak and Reed. This is special legislation through NYS and not a change in the City of Middletown zoning code.

The SLA law remains in place prohibiting a full liquor license from being issued within 200 ft of a church or school. Requests for a waiver are handled by the City administration in conjunction with the NYS Senator and Assembly members. These include impacted churches signing off on the application.

All approvals have been met that will allow the application to proceed to SLA for final approval, which this application remains subject to. Hours of operation are subject to DMU zone restrictions.

SUBJECT TO: City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

SUBJECT TO: Any items as stated in: submitted PB application, Public Hearing, Board discussion, City Inspectors' input, PB Engineer, and PB Attorney's recommendations. Information submitted within the application will become part of the record, and the applicant will follow through on and to be held to.

THEREFORE: The applicant is only allowed to use the space as designated in the application and resolution. Any changes in building structure and/or use, applicant will need to seek PB approval, if applicable.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval from the Department of Public Works according to Chapter 407 Solid Waste, Article II Collection, §407-3, Collection, and comply with this section and any other sections enacted by the Common Council from this date forward.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval on all façade work, exterior work in general and exterior signage from the Architectural Review Board.

WHEREAS this application is located in the DMU Zone and parking requirements are waived as per the code.

WHEREAS, Pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, the applicant will need to submit a request for a six-month extension of the Planning Board approval.

Prepared by:

Attachments:

1.	45-53 North-002
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 9/3/25

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 45-53 North Street

Section 31 Block 7 Lot 27 Current Zoning District DmU

Building Existing New _____

2. Owner of Property City of Middletown

Owner's Address 16 James Street

City Middletown State NY Zip 10940

Phone numbers: Home: 845-346-4101

Business: _____

Cell: _____

3. Applicant name Laura Scott

If different from Owner

Applicants Address 640 Goshen Tpk

City Condeville State NY Zip 10919

Phone numbers: Home: _____

Business: 845-775-4200

Cell: 845-551-7727

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 # F 7

Classification of Occupancy requested Assembly Group A-2 (Restaurant - Full Service)

Description of what you are requesting: Oak and Reed requests permission to serve/acquire a full liquor license in lieu of a beer wine and cider only license.

Uses currently in property: Full service restaurant with beer, wine and cider options. Current hours of operation are Tuesday 5pm-9pm W-Sunday 11:30 Am-9pm.

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area			
Front yard			
Rear yard			
Side yard			
Side yard			
Parking			

Answer this section only for multiple dwellings

Lot coverage _____
Building height _____
Open Space _____
Playlot _____
Livable floor area _____
Number of Bedrooms _____

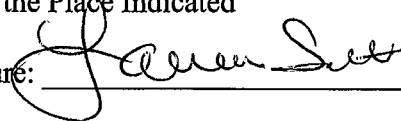
5. **Nonconforming Use.** In the area provided, list each use for which an expansion is sought and the reason therefore. State the current use and all conditions that presently exist and those

that will be created. Refer to the excerpt from the Zoning Ordinance Section 475-44.
Additional sheets may be attached if required.

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.

7. Sign at the Place Indicated

Signature: _____



Printed Name and Title: Laura Scott, owner

Date: 9/9/2025



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Tortilleria Parvinci, Inc., for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 40 North Street, Middletown

Prepared by:

Attachments:

1.	40 North-002
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 8/27/25

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 40 North Street

Section 31 Block 8 Lot 9 Current Zoning District DMU

Building Existing New _____

2. Owner of Property Tortilleria Parvini, Inc (Juan M Avalos)

Owner's Address 40 North Street (^{Home} 36 Dewitt Street)

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: 845 343 7171

Cell: 845.381.3433

3. Applicant name _____

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 # _____

Classification of Occupancy requested Existing Restaurant

Description of what you are requesting: Application for a change in class to an On Premises Retail License (Liquor license)

Uses currently in property: Full Restaurant and Catering current beer and wine license.

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area			
Front yard			
Rear yard			
Side yard			
Side yard			
Parking			

Answer this section only for multiple dwellings

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.

40 North Street Building; First Floor houses the Taco Factory restaurant; Second Floor houses the Taco Factory Grand Room (catering; reception)

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.

Parking on Street public parking, no fence except around sidewalk cafe in the front of the building; currently Fully Licensed

7. Sign at the Place Indicated

Signature: 

Printed Name and Title: Juan M. Avalos, President & CEO

Date: 8/27/25



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: October 1, 2025
 Resolution Number

Names	Ayes	Noes	Abstain	Absent
Mr. Madden				
Mr. McCormack				
Mr. Britto				
Mrs. Witt				
Mrs. Dupre				
Mr. Higbie				
Chairman Cappozella				
Total				

Filed with the Clerk of the City of Middletown on: October 1, 2025

Richard P. McCormack

Request of Anna Madden for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 17 North Street, Middletown

WHEREAS, Anna Madden filed an application with the Planning Board of the City of Middletown, seeking a special use permit to have a full liquor license at an existing eating and drinking establishment located at 17 North Street, Middletown. Section 31, Block 7, Lot 20.2.

WHEREAS, after due notice public hearing was held by the Planning Board on October 1, 2025 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and 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 Anna Madden, for a special use permit to have a full liquor license at an existing eating and drinking establishment located at 17 North Street, Middletown. Under special legislation that was passed allowing for a waiver of the 200 foot rule for full liquor license issuance at the designated Middletown location, Piccolo. This is special legislation through NYS and not a change in the City of Middletown zoning code.

The SLA law remains in place prohibiting a full liquor license from being issued within 200 ft of a church or school. Requests for a waiver are handled by the City administration in conjunction with the NYS Senator and Assembly members. These include impacted churches signing off on the application.

All approvals have been met that will allow the application to proceed to SLA for final approval, which this application remains subject to. Hours of operation are subject to DMU zone restrictions.

SUBJECT TO: City of Middletown DPW and City of 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, County of Orange, and the State of New York, if applicable.

In addition, if throughout any of the review process the project is deemed to require Bulk Requirement Tables, the applicant will supply said tables through an architect or engineer licensed in the State of New York.

SUBJECT TO: Any items as stated in: submitted PB application, Public Hearing, Board discussion, City Inspectors' input, PB Engineer, and PB Attorney's recommendations. Information submitted within the application will become part of the record, and the applicant will follow through on and to be held to.

THEREFORE: The applicant is only allowed to use the space as designated in the application and resolution. Any changes in building structure and/or use, applicant will need to seek PB approval, if applicable.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval from the Department of Public Works according to Chapter 407 Solid Waste, Article II Collection, §407-3, Collection, and comply with this section and any other sections enacted by the Common Council from this date forward.

WHEREAS this application is located in the DMU Zone, applicants must submit and receive approval on all façade work, exterior work in general and exterior signage from the Architectural Review Board.

WHEREAS this application is located in the DMU Zone and parking requirements are waived as per the code.

WHEREAS, Pursuant to the City of Middletown Code, Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-6, unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void.

If no work is done in the next six months, the applicant will need to submit a request for a six-month extension of the Planning Board approval.

Prepared by:

Attachments:

1.	17 North
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 9/17/25

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 17 North St.

Section 31 Block 7 Lot 20.2 Current Zoning District DMU

Building Existing New _____

2. Owner of Property David & Anna Madden

Owner's Address 44 Jackson Ave

City Middletown State N.Y. Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 845-401-9108

3. Applicant name Anna Madden

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: 845-343-2233

Business: _____

Cell: 845-401-9993

Fax: 845-343-2211

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 # _____

Classification of Occupancy requested _____

Description of what you are requesting: We are seeking the opportunity to apply for a full liquor license - currently we have a license that allows the sale of only wine, beer and cider.

Uses currently in property: _____

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	_____	_____	_____
Front yard	_____	_____	_____
Rear yard	_____	_____	_____
Side yard	_____	_____	_____
Side yard	_____	_____	_____
Parking	_____	_____	_____

Answer this section only for multiple dwellings

Lot coverage _____
Building height _____
Open Space _____
Playlot _____
Livable floor area _____
Number of Bedrooms _____

Signature: Anna Madden

Printed Name and Title: Anna Madden

Date: 07/18/25



**CITY OF MIDDLETOWN, NEW YORK
PLANNING BOARD
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: October 1, 2025
Resolution Number

Filed with the Clerk of the City of Middletown
on: October 1, 2025

Richard P. McCormack

**Dewitt Acquisitions proposal for a gas taction and a convenience store at 16 & 18 County
Highway 78**

Prepared by:

Attachments:

None