

**CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
JANUARY 7, 2026 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 December 3, 2025

4. NEW BUSINESS

Request of Sobo and Sobo Holdings, LLC, seeking a special use permit and site plan approval for a law office located at 20 Preston Street, Middletown

Request of Elizabeth Hilario, seeking a site plan approval and a special use permit to have a nail spa salon located at 37 North Street, Middletown

Request of Sen Wang, seeking a site plan approval and a special use permit for a proposed 5-story commercial and residential building with 38 apartments, located at 12-14 Union Street and 4-8 Franklin Street, Middletown

Negative Declaration for a previously approved application of Promenade Middletown LLC., for the addition of a memory care unit to an existing adult care facility located at 60-78 Fulton Street

5. ADJOURNMENT

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

December 3, 2025

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on December 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, Andrew Witkowski, Fire Inspector, Richard J. Croughan, Planning Board Attorney.

The Pledge of Allegiance was said.

Motion to approve the November 5, 2025 minutes by Mr. Madden, 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.

**Bell Flavors and Fragrances
12 Sprague Avenue
Building Expansion**

Mr. Capozella: The next agenda item is Bell Flavors and Fragrances. I need to step down. I am an employee of Bell Flavors and Fragrances. This evening, Mr. McCormack has graciously accepted the temporary chairmanship.

Mr. Fellenzer: Good evening, Mr. Temporary Chairman and members of the Board. My name is Ryan Fellenzer with Fellenzer Engineering representing Bell Flavors tonight, 12 Sprague Avenue.

We're proposing a 2,684 sq.ft. building addition between Buildings 15 and

17. Bell is looking to add this facility to be able to form their quality assurance and quality control testing in separate facilities, so they split up their fragrances and flavors, so they're adding this to be able to split those two up.

Utilities will be in the form of connecting to the existing and the adjacent facilities on either side of the building.

Stormwater. So the existing building area is already impervious. We're not adding or increasing the impervious on-site, so we're not increasing the amount of runoff, so any runoff generated will be just directed to existing facilities, catch basins on-site via sheet flow.

Parking. Proposed employee count, right now we're at 54. They currently have 50, so they're looking to add approximately four employees. We do have ample spaces provided from existing lots, so they have numerous lots around the property. The East Main lot has about 28 spaces. Benton Avenue lot, about 19, 19 currently. The West lot has 15, so we're providing 62 spaces, but their total required based on the zoning calculation is 27.

Odor control. I just want to make a quick note of that. So we did that on the plan. Odor mitigation design and implementation is to be provided during the building permit review and design as part of the mechanical HVAC system, and that will be submitted and mechanical set and a building set of plans to the City's Building Department for review and approval prior to a CO.

So that's a brief rundown of the project.

Mr. McCormack: With that, we'll open the public hearing. Anybody wishing to address this project, please step forward and state your name.

The public hearing was opened.

Mr. McCormack: Seeing none, we'll go to the Board. Any concerns or comments from the Planning Board?

Mr. Croughan: Mr. Martinez, any comments?

Mr. Martinez: No comments.

Mr. Croughan: Mr. Witkowski, any?

Mr. Witkowski: No comments.

Mr. Croughan: Thank you.

Mr. McCormack: All right. One last chance for the public. Any comments?

Seeing none, can I have a motion to close the public hearing, please?

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

Motion passed.

The public hearing was closed.

Mr. McCormack: The public hearing is closed. We'll go to the Planning Board one more time for any comments or questions.

Seeing none, do we have a motion to approve?

Resolution for Bell Flavors and Fragrances, 12 Sprague Avenue, building expansion. Motion by Mr. Britto, seconded by Ms. Dupre.

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

Abstain: Mr. Capozella.

**Dreamfields, Inc.
55 Midland Avenue Extension
Cannabis Packaging/Distribution**

Mr. Fellenzer: Thank you very much. Again, my name is Ryan Fellenzer with Fellenzer Engineering representing Dreamfields, Inc. at 55 Midland Avenue Extension.

This applicant is looking to occupy the existing structure at the aforementioned address for their cannabis manufacturing and packaging and distribution operation. There will be no retail sales at this property. It's strictly for the manufacturing and packaging of them, and then they distribute to licensed dealers in the county.

The number of employees that we're currently looking at is 30 people over two shifts, so 60 total.

Deliveries are typically through one 53-foot semi tractor trailer bimonthly, so that's the largest vehicle that they would experience with packaging materials for deliveries. Other than that, they would have two Sprinter vans at the part daily usually by 8:00 in the morning and return by 6:00 p.m., and that these vans actually deliver the finished product to the licensed retailers actually through the State.

Operating hours, Monday through Friday, based off of those two shifts. First shift is typically 6:00 a.m. to 3:00 p.m. with the second shift being 3:30 p.m. to 12:30 a.m.

Security. They're proposing -- we have an existing fence. It's about 8' high. We're keeping that. They have an alarm system with panic buttons that will be wired to Middletown PD. Approximately over 100 cameras inside and out with 24-hour surveillance. Armed security and an employee check-in with bag search and metal detector and wandering.

Again, I'll mention odor mitigation as another potential concern. So similar to Bell Flavors, that the applicant is currently in the process of developing the, HVAC, mechanical, electrical, and plumbing plans which will address this, but I did bring a copy of an odor mitigation plan with me tonight that we could discuss and talk about that would hopefully address those concerns.

Mr. Capozella: All right. Thank you. Just before we go any further, because of me stepping down and it's an allotted step, I need to ask Ms. Tu, as far as the Bell Flavors and Fragrances, 12 Sprague Avenue, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. We're just double checking, making sure the record is clear, okay. No aspersions on you, obviously.

Also, the other issue is that always tonight, I need to point out that if you're here for the first time, applicants, this is your first appearance, it's considered a preliminary hearing, and the Planning Board may or may not choose to act on or vote on your application tonight. Just to be clear. Everybody has the same statement. All right?

Mr. Fellenzer, sorry to interrupt you.

Mr. Fellenzer: No problem. Thank you.

Mr. Capozella: So for 55 Midland Avenue, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: I'm going to open the public hearing, and we do have a letter from the Town of Wallkill that has comments that need to be addressed. That's for the record. I'll put that in there now, and we'll have to have those addressed at a later date, okay, or before the approval of this 55 Midland Avenue.

The other item is that we still have an outstanding odor mitigation control. We just received it, and CPL, our engineers, are reviewing it.

Mr. Fellenzer: That is correct.

Mr. Capozella: I have no confirmation of anything yet, but still the public hearing is open tonight so that we can at least get the process started.

Mr. Fellenzer: Correct.

Mr. Capozella: All right. So that being said, I'm going to open the public hearing. Anyone present wishing to comment on this application, please step forward.

The public hearing was opened.

Mr. Witt: Good evening, everybody, Mr. Capozella, members of the Board. I appreciate your time and this opportunity.

My name is Kevin Witt, and I live on Vincent Drive in the City of Middletown. I am here to speak as the First Ward Alderman. That's where this project is, and forgive me, Mr. Capozella, if I missed something that you just explained.

I have concerns about the odor that comes out of this potentially because I'm going to be the person that's going to get the phone calls when it's a nice spring day and somebody says I can't open my window because I'm smelling whatever I'm smelling. I'm the person who's going to get the phone calls that say I have allergies and I can't handle this.

So I grew up here. I understand the smell of perfume, I understand the smell of popcorn, right, but this is an entirely different animal, and I don't know where you all are. I mean, I'm listening to what you're saying.

Mr. Fellenzer mentioned that there was, I believe, a plan or that they're looking into a plan to do this, to handle this. It's my understanding this is an established company, so wouldn't there be something already in place for this?

So I'm just looking for at some point to find out when somebody calls me about this, what do I say to them, and who do I call, and how do we handle this.

I envision if this is a situation, then that's going to be a real problem. I'm not saying it is or it isn't, but I was just hoping to get answers in public like you all may be as well, so thank you for your time, everybody.

Mr. Capozella: No. We can address that.

Mr. Witt: Oh, okay.

Mr. Capozella: The reason why, we're not positive, but the Dreamfields people

did not send their odor mitigation plan in the original packet. They didn't put it in. We asked for it. We asked for it. We finally got it. They admitted that they didn't have it in its entirety in their original plan. We now have their plan in our engineer's possession.

Our engineer, by the way, has dealt with cannabis plants elsewhere, so they have some type of knowledge on what they're looking for for the odor mitigation. We share your concern, so we're not going to act on anything until our engineer tells us it's sufficient, the plan; okay?

So we share your concern, and we're taking it step by step to make sure, at least engineering-wise, everything will be on the up and up.

Mr. Witt: Okay. Thank you for your time.

Mr. Croughan: Just in furtherance of that, CPL has a specialized person that deals with this.

Mr. Witt: What does that stand for, please?

Mr. Croughan: Specialized person?

Mr. Witt: No. CPL.

Mr. Croughan: Oh. Clark Patterson Lee.

Mr. Witt: Okay.

Mr. Croughan: They're our engineering firm.

Mr. Witt: Yup. Yup.

Mr. Croughan: And that person is looking at their plan that was submitted, and then we'll provide comments based on that.

Mr. Witt: Okay. I just know that I've not seen anything formally, and that's okay. I've read where somebody said the impact on the environment is minimal. I don't know that that means, so that's why -- another reason why I come here.

So I appreciate -- I was not implying that the process, that anyone wasn't going to go through the process. I didn't know if they were going to have their people here where I could just ask them so that I could say that I did and so that people could see in a public meeting that they were asked the question, and whatever their answer was, that now if, you know, three years, five years from

now there's a situation, we can come back and say, hey, you said you were going to do this and to make sure it's handled.

So I appreciate your due diligence.

Mr. Capozella: Thank you.

Mr. Croughan: Thank you.

Mr. Capozella: Anyone else from the public wishing to address this application or those remarks, either way.

All right. Yes, sir. Please step forward. Just please state your name for the record.

Mr. Vitel: Good evening, ladies and gentlemen, Mr. Chairman. My name is Thomas Vitel. I'm an Operational Manager with Dreamfields here tonight.

Mr. Witt, very nice to meet you, sir.

Mr. Witt: You as well.

Mr. Vitel: So to address these concerns, we are an established company, sir. We are operating currently in several different venues. These are legitimate concerns that everyone always has.

What I can tell you is the venue that we're currently in in the State of New York in Peekskill, this is not a problem. We operate several different filtration systems. We have HEPA filters, carbon filters. We put HEPA filters on our filtration systems and our HVAC returns as well.

All of this takes particulates and odor out of the air inside of the facility. These are the particulates that when they escape the facility cause the odor outside. All right. We do everything we can to mitigate that. I walk in this facility, I can't even smell it inside.

So the filtrations systems that we put into place, we go above and beyond to ensure that we're a good partner with our neighbors and with everyone else because we can't have these concerns coming out.

And to your question, should you have someone to call --

Mr. Witt: Yeah.

Mr. Vitel: -- you're going to call me --

Mr. Witt: Okay.

Mr. Vitel: -- and I'm going to take care of it. Before I leave, you'll have my phone number.

Mr. Witt: And you'll have mine.

Mr. Vitel: Yes, sir. That's not a problem. Not a problem.

So I'm going to step back. I'm going to pass this off, but I just wanted to put your concerns at ease because we are an established company. I'm up there every day, and we do take these concerns very seriously.

Mr. Capozella: Thank you.

Mr. Polsinelli: Fred Polsinelli, also with Dreamfields. Like Tom said, I mean, you're not going to get any calls most likely. There's really no smell.

In the cannabis industry, you'll get a smell when there's a growing operation, a cultivation outdoor, even indoor. For this business, there's not going to be much of a smell, but like Tom said, obviously we're here all the time. This is many years in the making, you know. We certainly have many friends here, and we're very excited to be going through this process and wrapping it up, but we've been good community partners since day one. That'll never change, but definitely we're always here, so, you know.

Mr. Capozella: Great.

Mr. Polsinelli: Thank you.

Mr. Capozella: Thank you.

Mr. Britto: Can I ask a question to these gentlemen?

Mr. Capozella: Yes. Absolutely.

Mr. Britto: You never ran into a problem in Peekskill or other areas where there's been community concerns or complaints in Peekskill or otherwise or elsewhere?

Mr. Vitel: So, again, I can speak about Peekskill because I'm the Operational Manager that's there. There are no complaints. There hasn't been a complaint from the neighborhood at all.

Concerns? Concerns are here. That's why we're at the Planning Board. There's always going to be concerns because the cannabis industry, it's a new industry; right? So what we have to make sure of is we're doing our best most

professional effort to ensure that we alleviate everyone's concerns.

In saying that, we go above and beyond with every filtration system that we have. Before we start, we make sure that our buildout is complete. Like I said, there's carbon filters, there's HEPA filters, there's air scrubbers throughout the facility. Our returns on our HVAC systems all have filters. Everything is filtrated. The room is closed off. There's air scrubbers everywhere.

I have spontaneous -- they're called Gemba Walks; okay? It's like a mini audit that the State would do. I do them spontaneously so that our employees don't get lax. We do this to ensure that the filters are being changed properly, that the logs are up to date, that there's nothing getting dirty, so these things are done whenever. They're done on a weekly basis always, but then we do them spontaneously as well so nobody gets used to a routine, if you understand what I mean.

So to answer your question, which I kind of went a little overboard, I'm sorry, we've never had a complaint. No.

Mr. Britto: Appreciate it. Thank you.

Mr. Capozella: Ms. Witt?

Ms. Witt: So when your first representative came to us, it wasn't you. I don't know if you were with -- but another representative from your company came and said that there might be a strawberry scent because, you know, nothing is 100 percent. So that's a concern. So are you telling me there won't be any scent whatsoever that would be coming through, like a strawberry scent that would be coming through your filtration system?

Mr. Vitel: So what you're talking about is a lot of particulates that come out, we're removing them from the air with the filtration system. So I don't know who was talking to you about a strawberry scent.

Ms. Witt: It was a gentleman that was representing your company.

Mr. Vitel: I understand. I wasn't here, ma'am.

Ms. Witt: He was from California. Well, okay, so it was your Project Manager from California. We can go back in the minutes, and then you can address it.

Mr. Vitel: It's okay. Like I said, I just didn't know which person was speaking to you. So if you can tell me, I can call them up and I can find out exactly what they were talking about, but at this point in time, what I'm going to tell you is there's

not going to be a cannabis odor anywhere outside of this facility.

Ms. Witt: I'm not talking about a cannabis odor. I'm talking about a scent of a strawberry scent or some type of fruity scent that would be coming from your filtration system. That's what I'm speaking about.

Mr. Vitel: Yes, ma'am, and I wasn't trying to downplay that, and please don't think I was trying to avoid your question. I was going to keep going. I apologize. I didn't mean to interrupt you.

So right now speaking operational in Peekskill, I have no scent coming from anywhere, so I do not believe there will be any scent coming out from our filtration system here either. I don't know anything about a strawberry scent. I would have to ask someone about that, but there's no smells at any of the facilities I've been to, especially the one that I work in, and I've been to several of them.

Ms. Witt: Okay. Thank you.

Mr. Polsinelli: I don't think you would see anything publicly either about smells in their California operation or Michigan. I totally understand your point. Somebody might've said that. I'm sure they did. They do have like flavors within the products and things like that, but there's never been any issue where that smell is going into the community or anywhere outside of that immediate, you know, area.

Ms. Witt: Mm-hmm. Thank you.

Mr. Croughan: How long has Peekskill been open?

Mr. Vitel: July 7th.

Mr. Croughan: Thank you.

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

I'll go to the Board, any further comments, questions, or concerns.
Go ahead, Mr. McCormack.

Mr. McCormack: The letter that you received from the Town of Wallkill, is it appropriate to read that into the record or --

Mr. Capozella: Well, it's quite lengthy. I'm going to put it into the record, but it

is a letter that they've asked questions, and it would have to be addressed.

Mr. Higbie: And what is it, a small portion of the building is in the Town of Wallkill?

Mr. Capozella: The property is unusually divided, partly in Middletown -- mostly in Middletown, partly in Wallkill, so yeah. We have to --

Mr. Higbie: But we have 100 percent jurisdiction on the project.

Mr. Croughan: We're lead agency.

Mr. Capozella: We're lead agency. Well, we're about to be lead agency in a minute when we have our resolution to be lead agency.

Mr. Britto: Are we going to vote on it --

Mr. Croughan: We're going to vote on it to become lead agent tonight.

Mr. Capozella: I'm sorry, Mr. Britto?

Mr. Britto: Are we going to vote on it if those concerns haven't been addressed yet?

Mr. Capozella: No. We'll not be voting on approval this evening. We're going to be voting for lead agency only this evening.

Mr. Britto: Understood. Thank you.

Mr. Capozella: Yup.

Mr. Croughan: And we can't issue a neg dec yet without having the odor mitigation addressed.

Mr. Britto: Excellent. Thank you.

Mr. Capozella: All right? Any other questions from the Board?
Yes, Ms. Witt.

Ms. Witt: I'm sorry, Chairman. So you are going to read the letter so we can address the concerns, or you're not reading the letter.

Mr. Capozella: Not reading the letter.

Ms. Witt: Okay.

Mr. Capozella: The concerns will be addressed.

Mr. Croughan: But it will be part of the record.

Mr. Capozella: Yes.

Mr. Croughan: So you're free to look at it.

Mr. Capozella: Anyone else? Okay. I'm going to go back to the public for anyone wishing to address the application. Please step forward.

All right. So I'm not going to close the public hearing because obviously we're not going for an approval this evening, but I am going to read our resolution for lead agency, the City of Middletown declaring lead agency.

WHEREAS, the City of Middletown Planning Board has received an application from Dreamfields, Inc., tax map designation Section 9, Block 1, Lot 1 and located in the I-2 zone, for a special use permit for the manufacturing and distribution of cannabis products. The project is located at 55 Midland Ave. in the City of Middletown.

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

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

Motion to become Lead Agency by Mr. Madden, seconded by Mr. Britto.

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

Mr. McCormack: Mr. Chairman, if I may.

Mr. Capozella: Yes.

Mr. McCormack: We had circulated Lead Agency notices for both the Mulberry Street project, which is not in front of you for tonight, and this project in October.

Mr. Capozella: Okay.

Mr. McCormack: So from my understanding, we had already declared intent at our previous meeting.

Mr. Capozella: Right.

Mr. McCormack: We circulated the notices already.

Mr. Capozella: Correct.

Mr. Croughan: That was intent. Tonight we're declaring Lead Agency.

Mr. Capozella: Right.

Mr. McCormack: So tonight you have declared Lead Agency.

Mr. Capozella: Declared as Lead Agency.

Mr. McCormack: Just clearing that up. Thank you very much.

Mr. Capozella: This is official language for Lead Agency, but yeah, now we are officially the Lead Agency.

Mr. McCormack: Thank you. Just wanted to clarify.

Mr. Capozella: You heard the word intent in there.

Mr. McCormack: I did.

Mr. Capozella: Sorry about that.

Mr. Higbie: Do we need to vote for future consideration or to leave the public hearing open?

Mr. Capozella: Well, the public hearing is -- I have already declared it open. Do we adjourn?

Mr. Croughan: You can make a motion to keep the public hearing open.

Mr. Capozella: We'll adjourn for future consideration to keep the public hearing open. I have no issue with that. That's a good idea.

Motion to keep public hearing open for future consideration by Mr. Higbie, seconded by Mr. Britto.

Motion passed.

Mr. McCormack: And can we get a copy of that letter from Wallkill?

Mr. Capozella: Yes.

Middletown Commons, LLC
203-231 Dolson Avenue
Commercial/Residential Mixed Use Complex

Mr. Carr: Hi. My name is Caleb Carr. I work for Mendenbach, Eggers & Carr. Good evening, everybody.

The proposed project is a six-story apartment complex with 150 dwelling units. There's also a 6,000 sq.ft. future pad site on the plan, and the site has an existing approximately 28,000 sq.ft. office building.

The apartment complex is split. The lower level has several amenities for the residents themselves, but then also has several commercial spaces which have been proposed on the plan. We don't know those commercial spaces at the moment, but for parking considerations, we've put in a restaurant and several retail spaces.

Currently, the total required spaces for the office building, the future pad site, and the apartment complex is 476 spaces, and we're currently proposed 491.

The apartment spaces we've been asked to separate them from the other spaces, and they're shown in yellow on the plan -- on this plan.

Mr. Thompson: Good evening, everyone. Joseph Thompson, Project Architect.

This project's been before the Board multiple times over the past few years. It's continued to progress through the approvals process. The engineers worked

through all the coordination comments with CPL.

Our building has been pretty consistent throughout the process. Again, what we've tried to do in this mixed use community is develop building that'll have a lot of nice amenities that should make it a desirable place to live. On the ground floor, I mentioned an indoor pool, a gym, a café, and it has 150 units.

We did receive County comments as well. Certain things will be addressed and incorporated in the plans such as like the high reflectivity on the roof, and so we're hoping to further the process with the Board this evening.

Mr. Capozella: Great. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

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

The public hearing was opened.

Mr. Capozella: No one stepping forward, I'm going to go to the Board. Any questions, comments, concerns.

Mr. Madden: Each floor is about 27,000 sq.ft. approximately?

Mr. Thompson: That's right.

Mr. Madden: The ground floor, of that 27,000, how much would be commercial space and how much would be reserved for amenities for the tenants?

Mr. Capozella: While he's doing that, just so you know, the Common Council already gave them a waiver of certain amounts of square footage for commercial versus residential. You've got to remember, this project has been going on for four years.

Mr. Madden: What did they need a waiver for? They're not in the DMU.

Mr. Thompson: Pre-COVID.

Mr. Capozella: Pre-COVID. Right. They asked for a reduction in the commercial space.

Mr. Thompson: But to answer that question, there's 10,700 currently attributed to residential, and the remainder, there's shared circulation and then commercial spaces, so it's a little under 50 percent.

Mr. Madden: Commercial space being in the forward section of the ground floor?

Mr. Thompson: All the highlighted being residential at the rear. We thought that made sense for exposure for anybody who might frequent those businesses to have that presented to the street to have those be, you know, the parking spaces that are closer to access from Dolson.

Mr. Madden: And on your site plan that's in the center here, all the mustard color is parking, so you're saying like commercial would be in that first spot that you just -- right there, that rectangle ideally?

Mr. Thompson: Yes.

Mr. Madden: With the residential behind?

Mr. Thompson: Residential behind, yes.

Mr. Madden: Thank you.

Mr. Capozella: All right. Anyone else from the public? Anything else from the Board members?

So this is the same process as we had in the previous application. These gentlemen were here for a public hearing this evening, because this is really their first official public hearing. They've had several preliminaries. There's been some revisions. They've had some issues that they worked out.

So this evening, we're here to declare Lead Agency only again. We're going to take the Lead Agency.

The applicant still has at least three things that we know of, according to our engineer, that need to be resolved. I hope he shared it with you, but for tonight for the record, I'm just going to mention what they are; okay?

Orange County Department of Health, I guess, made comments, and they expect your responses. The New York DEC, same thing, and the Orange County Planning Department. All those have been sent to your representatives and to our CPL representative.

So those are just a few more items, and the public hearing this evening, us declaring Lead Agency. There'll be no neg dec this morning, or this evening, but the Lead Agency will be declared.

Mr. Carr: Question, Chairman.

Mr. Capozella: Sure.

Mr. Carr: Obviously, the DEC and Department of Health will have approvals that will be associated with them. With the County comments, how does Middletown typically address? Would you like us to create a response narrative to those comments for review?

Mr. Capozella: Please, yes.

Mr. Carr: Okay. Will do.

Mr. Capozella: That's what CPL has asked us to get. Okay.

Any other -- anyone else from the public wishing to address this application, please step forward.

No one coming forward, this is going to be the same process. We're going to leave the public hearing open; all right?

In the meantime, I am going to read the Lead Agency resolution.

WHEREAS, the City of Middletown Planning Board has received an application from Middletown Commons, LLC, tax map designation Section 49, Block 1, Lot 7.5, and located in the C-3 zone, special use permit for a mixed-use development of 150 residential units and approximately 27,000 sq. ft. of commercial space. The project is located at 203-231 Dolson Avenue, Middletown, NY.

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

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

Motion to become Lead Agency by Mr. McCormack, seconded by Ms. Dupre.

Mr. Croughan: Just with respect to all the mailings, you've already done those, so tonight we're voting on to be Lead Agent on the project.

Ms. Witt: So I have a question, Mr. Chairman.

Mr. Capozella: Sure.

Ms. Witt: So we know that they have to respond to whatever questions are being asked of them, but how does that affect Lead Agency, for us to declare Lead Agency? I mean, depending on what their answers are --

Mr. Capozella: It doesn't. It only declares that we, the Planning Board, will be the Lead Agency. No matter what happens -- well, it doesn't affect anything.

Mr. Croughan: It won't affect that, but it could affect the neg dec being issued.

Mr. Capozella: Right.

Ms. Witt: Correct.

Mr. Capozella: That's why we're not doing it.

Mr. Croughan: But as far as Lead Agency, this gives us the ability to oversee the project.

Ms. Witt: No, I -- thank you.

Mr. Croughan: You're welcome.

Mr. Capozella: All right. That being said, roll call.

Motion passed.

Motion to keep the public hearing open and adjourn for future consideration by Mr. Higbie, seconded by Ms. Witt.

Motion passed.

Sarah Bauersachs
23-27 West Main Street
Smoothie Shop

Ms. Bauersachs: Hi, everyone. Nice to meet you. Nice to see you guys again.

So my name is Sarah. I'm originally from Minisink Valley. I went to CIA to be a chef. I lived in New York City, San Francisco, Maui, the Hamptons, Newport Beach, California, Napa Valley. I'm a Level 3 Sommelier as well. I also lived in St. Thomas, and now I have my son, so I wanted to come back to the East Coast.

But when I lived on Maui and in California, I survived off smoothies and acai bowls and juice, and I always wanted to open it. I was a Sommelier at Crystal Springs for the past three and a half years. It's a fun job, don't get me wrong, but I want to be a little bit more healthy and own my own business, and once I saw the old Nina's space open up, I fell in love with it. I think it would absolutely be perfect.

You have my drawing idea. I think everything would just look so great, and I really want to give back to the community as well. So OCCC has a culinary program. I've wanted to own my own restaurant since I'm nine. I'm 35 now, so finally there, and so I would love to have interns from the OCCC program from here and Newburgh to kind of help them. I've cooked so many different cuisines, but I kind of want to show people that you can go either smoothies or wine if they ever have questions about that. Definitely I should do that for a little while because it's very very fun, and yeah.

And then so also on my -- I'm sure you've been in there. It's like beautiful brick walls. So I would love to also go to OCCC and other schools and get art students and commission their art on my walls, so I really want to give back to the community and kind of teach people, especially the younger generation, how to eat healthy because seeing kids, when I lived in Napa, leave the grocery store in the morning with chips and soda, I was like oh, my God. That is not good. So I kind of want to get to that younger generation and just -- you are what you eat.

Mr. Capozella: Thank you.

Ms. Bauersachs: Yeah. Thanks.

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

Ms. Tu: Yes, we do.

Mr. Capozella: In that case, I'll open the public hearing. Anyone present wishing

to address on this application, please step forward.

The public hearing was opened.

Mr. Capozella: I'll go to the Board, any questions, comments, or concerns. Ms. Witt.

Ms. Witt: What will your hours of operation be?

Ms. Bauersachs: It's going to be 8:00 to 7:00. 8:00 a.m. to 7:00 p.m.

Ms. Witt: How many days a week will you be open?

Ms. Bauersachs: Seven days.

Ms. Witt: Seven days. Okay.

Ms. Bauersachs: Yeah. I would love to do like a soft close and then have my staff there so they can get hours too and like prep for the next day.

Ms. Witt: Okay.

Mr. Capozella: I have a question.

Ms. Bauersachs: Absolutely.

Mr. Capozella: According to your application and our resolution, its hours of operation are 8:00 a.m. to 6:00 p.m. daily.

Ms. Bauersachs: Oh, okay. Yeah.

Mr. Capozella: Is that okay? I mean, you just --

Ms. Bauersachs: That's fine. I put that, I know, because I was looking on here, but yeah.

Mr. Capozella: That's okay.

Ms. Bauersachs: That's good too.

Mr. Capozella: I just want to verify before we call for the resolution.

Ms. Bauersachs: Yeah. 8:00 to 6:00 would be perfect.

Mr. Capozella: Okay. So we'll go with what the resolution states.

Ms. Bauersachs: All right.

Mr. Capozella: No problem. Anyone else from the Board have any questions?

Mr. Britto: I just had a question about the back entrance. I know we talked about this. Is that going to be --

Ms. Bauersachs: The patio, I'm not going to use --

Mr. Britto: Your customers won't be able to go out that way.

Ms. Bauersachs: No. Which is fine because I've been in the restaurant industry 18 years now, and it's too far in my mind, like you don't see it, so I would love to instead put like two benches in front of my beautiful windows so then they can enjoy the acai bowl, which is like a berry from the Amazon, and you puree it up, you put granola, bananas, whatever you want, all nice fruit, honey, and so I would love to apply for that so then they can sit outside or have like the seating inside. I personally don't really want the back patio.

Mr. Britto: No. I understand that. I'm just asking for a secondary exit or entrance. Is that going to be blocked off or just -- like how is that going to be -- yeah. Is it a fire exit?

Mr. Witkowski: Emergency.

Mr. Britto: Emergency only, so it will be accessible in an emergency.

Mr. Capozella: It has to be, yes.

Mr. Britto: Does it have to be alarmed?

Mr. Capozella: Could be.

Mr. Britto: Okay. I'm sorry.

Mr. Capozella: The Fire Department does their final inspection for her, yes.

Mr. Britto: Gotcha.

Mr. Capozella: They'll state to her what she's needed on the final.

Mr. Britto: I appreciate it.

Mr. Capozella: No problem. Anyone else from the Board, any questions, comments, or concerns?

Mr. Croughan: Any concerns, Mr. Martinez?

Mr. Martinez: No concerns.

Mr. Croughan: Mr. Witkowski, any concerns?

Mr. Witkowski: No concerns.

Mr. Croughan: Thank you.

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

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

Motion passed.

The public hearing was closed.

Ms. Bauersachs: Thank you so much. My dreams are coming true. I'm very excited.

Mr. Capozella: You better let us vote. You better let us vote first before your dreams come true.

Ms. Bauersachs: Sorry.

Mr. Capozella: You're very excited. That's good. Very enthusiastic.

Resolution for Sarah Bauersachs, 23-27 West Main Street, Smoothie Shop.
Motion by Ms. Witt, seconded by Mr. Higbie.

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

BDK Masonry and Construction Corp.
101 North Street
Eating and Drinking Establishment (beer & wine)

Mr. Capozella: Good evening.

Mr. Gomez: Good evening, everybody.

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

Mr. Gomez: Benedict Gomez.

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

Mr. Gomez: The plan is working on 101 North Street.

Mr. Capozella: Okay.

Mr. Gomez: Sort of like a renovation, and then make like a restaurant, something like that.

Mr. Casata: Good evening, everyone. My name is Jorge Casata.

Mr. Capozella: Thank you.

Mr. Casata: We're trying to open a restaurant as soon as possible. Mr. Victor has been in the place, and we are here to get approved to basically to open, because it isn't building right now. It is possible we're trying to put a chicken rotisserie, very good food, breakfast, lunch, and dinner. We're trying to open from 6:00 to 10:00 at night, and that's why we are here, please, if it's possible to approve and to continue.

We have already the corporation. (Inaudible) in Spring Valley, New York, and it's very good food, and thanks to the town to give me the opportunity to get

the place over here and the right to open a restaurant.

Mr. Capozella: Good. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Then I'll open the public hearing. Anyone from the public wishing to address this application, please step forward.

The public hearing was opened.

Mr. Capozella: Anyone from the Board have any questions, comments, or concerns?

Okay. None being had, I will go back to the public. Anyone wishing to address the application, please step forward.

No one coming forward, I need a motion to close the public hearing.

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

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.

Mr. Madden: I do have a question.

Mr. Capozella: Yes, sir.

Mr. Madden: One of the things in the plan is to use a parking space to add a walk-in cooler. That's one of their plans. Is that something that we are permitting and we're allowed to permit?

Mr. Capozella: I'll have to refresh my memory here. I probably have it. It's not here in the packet.

Mr. McCormack: Mr. Capozella?

Mr. Capozella: Yes.

Mr. McCormack: I believe there's an easement in the parking lot.

Mr. Capozella: Mr. Madden, what page are you on? Can you help us here?

Mr. Madden: Number 5, Nonconforming Use, in the application.

Mr. Capozella: That's what's designated as your walk-in cooler on your plan?

Mr. Casata: Yes, please.

Mr. Capozella: There's an easement right there?

Mr. McCormack: I think Ms. Bruni might be able to -- the Director of Economic and Community Development who's worked with the applicant, perhaps she can help.

Mr. Capozella: Oh, okay. Ms. Bruni, you have some information?

Ms. Bruni: I might have some. Hi.

Mr. Capozella: Please step up to the mic. State who you are, please.

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

Mr. Capozella: Thank you.

Ms. Bruni: There may be some easements in that parking lot that need to be looked at before considering a cooler to go in a parking space. I know the neighboring buildings --

Mr. Capozella: Yes. Right. 99 North Street, yes, we had the same problem.

Ms. Bruni: Yeah, so --

Mr. Capozella: All right.

Ms. Bruni: I just wanted to bring -- because we've working with other buildings in that general area.

Mr. Capozella: Right. Right. I agree. Yup. We didn't see any -- we didn't think

that was a space, but it could be. Yes.

What we can do with the Board's permission if you don't mind, I can make it subject to further investigation of whether there's an easement there.

Mr. Croughan: I don't think that would be a good idea at the present time. I think it would behoove the Board to keep the public hearing open, have the applicant present any kind of evidence that they have, whether it be a survey showing any existing easements in the lot, so that the Board can make an accurate decision here.

Mr. Capozella: Okay. There's an existing AC unit there. Did you see that? I mean, I don't --

Mr. Croughan: I do.

Mr. Capozella: I don't think that's a parking space, I'll be honest with you, but that's okay. I rather err on the side of caution than throw it in the wind. We can do that.

I'm sorry, sir. We're going to adjourn for this evening. We'll keep the public hearing open. We'll be in contact with you to get some further information from you on the placement of that walk-in cooler; okay?

Mr. Casata: Yeah. One question.

Mr. Capozella: Sure.

Mr. Casata: It's a problem because that's inside the property. That's the parking lot that belongs to the property. It's not a public parking spot.

Mr. Croughan: We understand that, but we just have to make sure there are no easements that by putting the cooler back there that you would be impeding.

Mr. Casata: Yeah. Okay.

Mr. Capozella: All right?

Mr. Casata: Okay.

Mr. Croughan: I don't know if it's possible for you to relocate that cooler within the building. That way you wouldn't impact anything existing.

Mr. Casata: The thing is inside the building is too small because I need to use a big container to marinate the chicken. It's a lot of chicken we (inaudible). Any chicken we use big containers.

Mr. Croughan: I understand. Okay. You're going to have to contact a surveyor just to make sure that there's no easements that would affect that building out back there.

Mr. Casata: I think I have a survey. Do you have the survey?

Mr. Croughan: You're going to have to have an updated survey. The survey we have is from Jim Dillon. You have to have an updated survey to show that there's no impact from any easements.

Mr. Casata: All right.

Mr. Croughan: Okay?

Mr. Casata: Thank you very much.

Mr. Capozella: I need a motion. We're going to adjourn this application for future consideration.

Mr. Croughan: You're keeping the public hearing open.

Mr. Capozella: Yes. That's why we're adjourning and keeping the public hearing open.

Motion to adjourn for future consideration by Mr. Britto, seconded by Mr. Higbie.

Motion passed.

**Kai Lee and Courtenay Irving
41 Fulton Street
Art Studio & Theater Scenery**

Mr. Capozella: Good evening.

Mr. Lee: Hi. I'm Kai Lee.

Ms. Irving: Courtenay Irving.

Mr. Capozella: And you plan on and you are doing --

Mr. Lee: We are designing and making artwork for TV shows, commercials, things of that nature.

Mr. Capozella: Okay. Thank you.

Mr. Lee: We were here before, and then we moved to this space, so that's why we're back again.

Mr. Capozella: Same operation basically.

Mr. Lee: Yes.

Ms. Irving: Same operation.

Mr. Capozella: Okay. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: In that case, I'm going to open the public hearing. Anyone present wishing to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: No one coming forward, I'll go to the Board for any questions, comments, or concerns.

Mr. Croughan: Mr. Martinez, any concerns?

Mr. Martinez: No concerns.

Mr. Croughan: Mr. Witkowski, any concerns?

Mr. Witkowski: No concerns.

Mr. Croughan: Thank you.

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

None stepping forward. I'm going to ask for a motion to close the public hearing.

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

Motion passed.

The public hearing was closed.

Mr. Capozella: All right. I'll give the Board one more chance. Anything else from the Board, questions, comments, or concerns?

Resolution for Kai Lee and Courtenay Irving, 41 Fulton Street, Art Studio and Theater Scenery. Motion by Ms. Witt, seconded by Mr. Madden.

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

Colin Smith
28-30 West Main Street
Saloon/Bar

Mr. Smith: Good evening, everyone, Mr. Chairman, members of the Board. My name is Colin Smith, and I am attempting to open the Empty Bottle Saloon, reopen the Empty Bottle Saloon, at 28-30 West Main Street.

Mr. Capozella: Great. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: We do. Thank you. In that case, I'm going to open the public hearing. Anyone present wishing to address this application, please step forward.

The public hearing was opened.

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

Mr. Croughan: Mr. Martinez, any concerns?

Mr. Martinez: No concerns.

Mr. Croughan: Mr. Witkowski, any concerns?

Mr. Witkowski: No concerns.

Mr. Capozella: That being said, I'll go back to the public. Anyone wishing to address this application, please step forward.

No one coming forward, I need a motion to close the public hearing.

Motion to close by the public hearing by Mr. McCormack, 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 thoughts?

Mr. Britto: Do we have to waive parking, or is that parking lot right next door theirs?

Mr. Capozella: No need to. Parking is waived automatically.
Anyway, thank you.

Resolution for Colin Smith, 28-30 West Main Street, saloon/bar. Motion by Mr. Britto, seconded by Mr. Madden.

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

Allen Alvarez Gonzalez
154 Wickham Avenue
Grocery, Deli, Coffee Shop, UPS and Amazon Drop Off, and Western Union Service

Mr. Capozella: Good evening, sir.

Mr. Alvarez: Good evening. My name is Allen Alvarez. I'm the owner of 154 Wickham Avenue.

Mr. Capozella: And a brief explanation of what you're trying to do, sir.

Mr. Alvarez: It was a deli before, and then now I just want to reopen it, but it was like the space was too big, and then I want to get a little bit like a (inaudible) in the back and then use it for drop off for UPS and Amazon, and also have like an opportunity to get Western Union service and stuff like that for the people.

Mr. Capozella: Okay, sir. Thank you.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

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

The public hearing was opened.

Mr. Capozella: All right. At this moment too I'm going to read something into the record that I received in writing.

154 Wickham Avenue

FROM: Joe Masi, Alderman, 1st Ward where this is located

Good evening. I have received several inquiries from my constituents with concerns dealing with parking and line of sight issues.

Albert Street, in the area where this is located, already has parking problems, and now with the addition of Amazon and Western Union vehicles, how will this negatively impact both the parking and line of sight issues?

For vehicles going down Albert Street towards this location, the concerns are mostly with them looking to their left down Cottage Street and Wickham Avenue with the Amazon and Western vehicles blocking their view.

They realize there is a traffic light at this intersection; however, they are still concerned with potential problems.

Thank you for addressing these issues.

That's into the record. Still the public hearing, anyone wishing to address this application, please step forward.

Mr. Higbie: Will we give him time to comment on the letter that was just read in?

Mr. Alvarez: Right now, I have like a little space, a parking lot in the back. I just, right now it's not properly for the people, but I've been working with the parking lot to be open. It's not big, but I think I can fit like probably like four cars, four or five cars if I finish the work, so I want to add that to the idea.

I know that was a big problem because I've been in the area for probably 18 years working in the area, and I see that parking is a big problem. Before it was not a problem, but now it is, and the idea for -- I had my son come out because I see, you know, the Amazon trucks always around, and then I think I can receive packages from the people that live around, and then the truck can stop real quick and take everything and go.

I think that's all I have to say.

Mr. Capozella: Do you own that property you're talking about?

Mr. Alvarez: Yeah. I owned that property for 18 years already.

Mr. Capozella: Okay. And, I mean, the area you're talking about with the parking space.

Mr. Alvarez: Yes. Yes.

Mr. Capozella: Okay.

Mr. Alvarez: I own that property, that area. Yes. Yes, I do.

Mr. Higbie: So can you explain like what the Amazon process will be? Like, in other words, people can have their packages delivered there, and then they would pick it up?

Mr. Alvarez: No, no.

Mr. Higbie: Or you could drop off returns.

Mr. Alvarez: Let's say, you know, people ordered, they don't want their package, they want to return. They can go, it's kind of --

Mr. Higbie: Yeah. And that requires a lot -- I know I've personally been to Staples, and I've been to a line to return something, and, you know, I think it definitely brings a lot of traffic in.

Mr. Capozella: Mr. McCormack?

Mr. McCormack: Have you spoken with Amazon about being an Amazon drop center?

Mr. Alvarez: I started talking about it with them, you know. They tell me when it's about to, how you say, to return, it's like different from to have a store, like Amazon store. They say if you have Amazon store, have like a big space to let's say secure a store for a lot of stuff, but I what I want to do is more like -- it's like a little machine, this kind of machine, and they provide for me, and then, you know, what I do is scan in the people's package, and then they come to pick up the packages in the afternoon or the next day.

Mr. McCormack: The reason for the question is I know that there's other businesses in this area that have been talking to Amazon about being a return center that are having a difficult time getting traction with that, and that's already an established business, so that's why I don't --

Mr. Alvarez: So that's recently?

Mr. McCormack: Yes.

Mr. Alvarez: Okay. So basically, I have to basically talk with another representative so they can guide me better. You know, I can't tell you more about it, but, you know, to this point I have everything it looked good for.

Mr. Croughan: And how about with UPS? Have you been in contact with them?

Mr. Alvarez: The same thing.

Mr. Britto: I have two question.

Mr. Capozella: All right.

Mr. Britto: Would you continue with this project if you didn't have UPS or Amazon? Would you still do the deli?

Mr. Alvarez: Yes, definitely. That was a deli before, so a grocery/convenient deli now. I just want to add in like a kind of coffee shop style. I'm just going to continue with the idea no matter what regardless.

Mr. Britto: Okay.

Mr. Alvarez: If I have to do something different with the back part, or I have to make it part of the business, you know, I can proceed or let's say make another plan, you know, make it work for -- to be open as soon as possible.

Mr. Britto: If Amazon and UPS do say that you can be a drop off site for them, where do you foresee the trucks being able to park and pick up the packages?

Mr. Alvarez: I gave you guys like a -- I don't know if you guys see my planning floor by the back. I see a design, like a double door, and that door is not there yet, but, you know, I want to use that double door where he can park. I can leave everything there for him so he can grab it quick and keep moving.

Mr. Britto: So they would make a right onto Albert Street and then load out to there.

Mr. Alvarez: It's just when they go to Albert Street right there. Basically right now, nobody can park in there because there's a big sign there no parking, but I believe he can stop there for one minute and pick up packages and keep going. I don't know if you -- if not, he can park in the back, and I can get the space in the back by the driveway, you know.

Mr. Britto: Okay.

Mr. Alvarez: So like four, five spots, you know. I just have to repainting the line and, you know, put the snowblower where it's supposed to be, my ATV, because I have an ATV to push the snow, stuff like that, and I have to put everything in.

Mr. Britto: Gotcha.

Mr. Capozella: Mr. Gonzalez, you are the owner of the barbershop; correct?

Mr. Alvarez: Yeah, yeah.

Mr. Capozella: You are the barber there, and you've been there for 18 years.

Mr. Alvarez: Yeah.

Mr. Capozella: Just so the Board understands that this is an auxiliary -- and add-on to your business, that you've already been established there for 18 years as a barber there.

Mr. Alvarez: Yes.

Mr. Capozella: I just want to add that to the mix.

Mr. Alvarez: Thank you.

Mr. Capozella: This is something you're looking to add for additional, you know, work.

Yes, Mr. McCormack.

Mr. McCormack: Can we ask for a traffic study? It seems like Mr. Masi presented some valid concerns. I know it's kind of a crazy area too in terms of the residents and, you know, the traffic pattern over there.

Mr. Capozella: Well, you want my honest opinion? No. It's a typical area in the City of Middletown, highly congested, residential mixed with commercial and retail use. It's not the only corner in Middletown that has this issue. It's always been an issue, no matter who's been there. How we could regulate that, well, no business. I don't think that's exactly what our goal would be, but -- so and a traffic study would cost this gentleman quite a bit of money to do something I think was not necessary, but I'm only one person and I'm only one vote here, but that is my personal opinion. This is not the only place in Middletown like that.

Mr. Croughan: The only thing I'd add, Mr. McCormack, is it is a location existing already. They're not starting from scratch and building up, so no matter who went there, there would be business issues as Mr. Masi described. So to put the burden on him to do a traffic study when it's already an existing structure there might not be necessary.

Mr. McCormack: But considering the business model that he's proposing. There's different types of businesses --

Mr. Higbie: Yeah. I don't know if you guys realize what the traffic, the foot traffic would be. I don't even care about the UPS truck that comes once a day to pick up or the Amazon packages that comes once a day. You wouldn't believe the amount of foot traffic that this -- I mean, you go to one of these Kohl's, or you go to, you know, Staples or UPS to return something, the line's out the door every day. I mean, this is like -- this would create a, you know --

Mr. McCormack: This doesn't seem like -- the model presented, I don't know if it seems like it would benefit the neighborhood or that area in terms of a business trying to be all those different things. That seems like an excessive amount of traffic for that type of neighborhood.

Mr. Capozella: Keep in mind he's only proposed it. He hasn't got it yet either. I do understand your -- your position is that it's going to cause more traffic.

Mr. Higbie: Yeah. I think it would cause more.

Mr. Croughan: Well, certainly with pickups of Amazon trucks, we can require him to have them go in that back lot that he has.

Mr. Higbie: I don't think that's the issue. I think the issue is the people coming to do their -- I don't think it's the one a day truck that anybody's concerned with. I think it's the concern of the amount of traffic and the amount of people that this would or potentially could bring in an already narrow parking spot in an already residential area and roadways.

Mr. Alvarez: Every time I go to let's say -- every time that I go to UPS, there is a line because it's -- let's say it's (inaudible). It's not only Amazon, it's not only UPS, it's a lot of stuff, because every time I go -- let's say when people go to Kohl's or go to Staples to return packages, that's in and out. That's really in and out, and in the beginning, because if it's not too many stores doing this, it was kind of like a little more congested. But now because it's like a more little store doing it, so it gives you more access to people to be quick, you know. They don't have to be in a line waiting for half an hour to return the package. Every time I go to return a package, I go let's say to Kohl's or Staples, probably it takes me like, you know, five minutes at the most.

I know you're concerned because the area's already congested, and then we don't want to create more congestion, but I think that's a good idea, and even for the people in the area, because they can walk there and bring the package to us, you know, and that's my way of thinking. I know you guys know more about this, a little bit more about it, so you guys have the last word, so --

Mr. Capozella: Well, the other opinion I have too, you can remember, the area that it is is people may not be using their cars as much as they do elsewhere. It is the First Ward. There's a lot of -- it's a heavily residential area, and you may have more foot traffic than you would have people that are parking. He may become convenient for people that don't have cars in this area to be able to walk to.

Again, it can always cause congestion. Always. I don't deny that.
Yes, Mr. McCormack.

Mr. McCormack: What are the parking requirements for this zone?

Mr. Capozella: He has none. It's a C1A Zone. He really has none. He has street parking. That's all he has. Square footage, again, it's one of those Middletown areas where, like on North Street, they have no place to park, but, I mean outside the DMU.

Mr. McCormack: Right.

Mr. Capozella: They have no parking. They have to park on the street, and that's how --

Mr. Higbie: The parking near your business, is it one hour parking? Is it 24 minute parking? What is --

Mr. Alvarez: The street?

Mr. Higbie: Yeah. Right --

Mr. Alvarez: At the street, I started to see, you know, like signs. They say like one hour parking.

Mr. Higbie: One hour? Okay.

Mr. Alvarez: And then when it started to get tighter, tighter, tighter, that's when I started moving, and then I put in my little (inaudible) in the top, and I started painting the lines. I started (inaudible). It was like a fence make inconvenience to parking better, so I just, depending on the area, to make it accessible for at least -- have a few parking spots for my clientele.

Mr. Capozella: I mean, what do we tell the dentist that's there? He has a very small parking lot.

Mr. McCormack: But the dentist will have two or three people at a time. And again, I'm just concerned about the --

Mr. Capozella: Yeah.

Mr. McCormack: It's a neighborhood. These have traditionally been neighborhood businesses, a deli, you know, a barbershop. It's -- you're not attracting high volumes of traffic. I mean, you go to Kohl's for an Amazon return on a Saturday afternoon, the line at Kohl's, it's going out the door.

Mr. Capozella: You think that line's going to exist at his store?

Mr. McCormack: If word gets out that there's an Amazon place that doesn't have a line, it'll have a line.

Mr. Capozella: Okay.

Mr. Croughan: But you had mentioned that there were other businesses pursuing Amazon as well, so wouldn't we have the same problem with them as well?

Mr. McCormack: They're already established businesses that are designated shipping centers is the ones I'm referring to.

Mr. Higbie: And they have municipal parking lots probably nearby.

Mr. McCormack: Pegasus, for example, has been pursuing a contract with Amazon since they opened to be a drop center for them, and they've had a challenging time doing it.

Mr. Capozella: So he might not even get it.

Mr. McCormack: Right, but again, if he doesn't get it, my position is if he doesn't get Amazon and that type of stuff, I feel like the business is more conducive to that area. I think once you figure in the Amazon and the UPS drop center, I think you're raising the potential for an immense amount of traffic that the neighbors may be opposed to.

Mr. Capozella: Okay. Ms. Witt has been patient.

Ms. Witt: So I'm -- I understand about the foot traffic, but I think for that

neighborhood, I think it would be a good thing to give them opportunity for people who do not drive and for, you know, family members to help other family members if they have to make returns.

My one question is you're asking for hours of 5:00 a.m. to 11:00 p.m. That wouldn't be the hours that you're going to be packages. Are you going to cut off like times of accepting packages, if you do get this, you know, from Amazon and from UPS?

Mr. Alvarez: Okay. I put those hours because it's when we're going operate. Let's say preparation, to let's say cleaning and closing. Those hours for those packages, you know, we can let's say keep receiving the people, but it's going to be somebody right there let's say from -- let's say everybody can grab their package, but, you know, let's say that door is going to be open like normal hours more because deli hours are more early, but, you know, I just say by 8:00 we can still, you know, get that door like ready, you know, and then by let's say to 8:00, and then we can keep working with whatever we have to do to make everything proper for the next day.

Mr. Capozella: All right. So just informally, I'm going to poll the Board to see what your thoughts are or what you would vote. I mean, Mr. Madden, do you have any idea about what you would go for this application?

Mr. Croughan: Would you require the applicant to do a traffic study?

Mr. Madden: I would not ask him to do a traffic study. That does not mean that I'm necessarily in favor of the project.

Mr. Croughan: Understood.

Mr. Capozella: Mr. McCormack.

Mr. McCormack: In light of the cost, I don't know if I'd request the traffic study, but again, I'm not comfortable supporting it at this juncture.

Mr. Capozella: Okay. Mr. Britto.

Mr. Britto: Yes. I have questions about our ability to say you can't do this business because the parking there is the parking that we would enforce.

Mr. Capozella: I understand.

Mr. Britto: The parking on the street, if it's hour parking or 24 minute parking, that's what the Code Enforcement would enforce.

So are we concerned because it's mixed use that they would be parking all the way down Albert Street in front of residential areas all throughout the day? I mean, that's really assuming a lot.

Mr. Capozella: And we have no control over that.

Mr. Britto: And again, what -- I feel like I've asked this question before. Like what is our purview in that regard? I mean, we talk about parking; right? So we're not waiving parking by any stretch of the imagination. He has the parking he has, and his business has to be confined by the parking that is available to him.

Mr. Capozella: Right. The parking could cause him to fail, but that's not our privy to decide.

Mr. Britto: Right. Is our privy to decide whether we think this is, to use your words, which I love, like being a good neighbor to invite the traffic that places like this will attract.

Mr. Capozella: That's what you might be doing.

Mr. Britto: And to that extent, I would say this is not a good venue and area for the UPS and the Amazon, but the deli obviously is a great idea.

Mr. Capozella: All right. Okay. Ms. Witt, do you have an opinion?

Ms. Witt: I would not ask him to do a traffic study. I don't think that that's warranted. I understand Mr. Britto's concern, but I just think that if there's a control put on hours of operation that accepting packages for the public, I think that why not. Why is it our -- how is it our job to tell him he can't have this as a business, you know. We live in America, a capitalistic society. He should be able to have a business just like anybody else.

We don't own -- nobody owns, you know, street parking, you know. Even if your house is on Albert Street, you don't own the parking spot in front of your house. It's City parking. Anybody can park there for whatever the Code Enforcement dictates.

Mr. Capozella: Thank you. Ms. Dupre.

Ms. Dupre: I also wouldn't require a traffic study. Given the area, there's

definitely going to be the potential for an issue because the roads are narrow, and parking just, with everything that's there, is tight as it is.

I think the business idea that you have is a great idea. I think an additional space for those types of returns and exchanges are needed, but I think it might work more in your favor because you're going to also include a café set up but to structure your business hours differently for each of those things which would then help as far as traffic and then, you know, potential issues or complaints for you just as far as that alone.

Otherwise, I don't see an issue with the project as is, but I do have a question.

Mr. Capozella: Sure.

Ms. Dupre: If on Amazon and UPS's part, if the proposal does not work out, would he then have to come back and revise his application?

Mr. Capozella: Ask that again, please.

Ms. Dupre: So if his partnership with Amazon and UPS does not work out and he does not get approved to fully move forward and start functioning for those services, would he then have to come back to us and revise his application for how he plans to use the space?

Mr. Croughan: Yes, he would. He'd have to have an amended site plan.

Mr. Capozella: Right.

Ms. Dupre: Okay.

Mr. Croughan: Because now he'd have to change the use there.

Ms. Dupre: Okay.

Mr. Capozella: Mr. Higbie.

Mr. Higbie: I would not require a traffic study, and I have no opinion at this time.

Mr. Capozella: All right. I wouldn't require a traffic study either. I would like to see the gentleman proceed just based on being an entrepreneur and trying to make the best out of his business.

I do understand that it could be very congested parking. I would offer up,

and I know the hours may change, but people are concerned about the lines. Doesn't matter. If you change the hours, you still could get long lines; okay?

I have a question. Would you at this point in time not consider your Amazon or your UPS segment of your business and just go with the deli and the convenience store, and, of course, your barbershop is already existing. This way you can open up and you can start. Get started, and then if, because it works both ways, if you have a contact with Amazon or you ever get something with UPS, he would have to come back to us because that space would then be modified and he'd have to come back to us anyway.

So that would be an option to move forward with your business as you have stated excluding Amazon and UPS returns. You understand?

Mr. Alvarez: That sounds good to me.

Mr. Capozella: And then later on -- because you may never -- I don't know how Pegasus, how long they've been trying to get it, but you may never obtain it, so you'd be losing your business while you're waiting for this stuff to happen, and you would be, by just listening, you would be rejected and that'd be a waste of your time.

Mr. Alvarez: Yeah. That sounds good. Thank you.

Mr. Capozella: Okay. So we would have to amend it.

Mr. Croughan: Yeah. Would the application now read the grocery/deli/coffee shop and Western Union? Is that what we would be proposing now?

Mr. Capozella: Yeah. Because Western Union is not a return. We're just removing UPS and Amazon returns.

Okay. How do we have that in his resolution? All right. So we'd have to eliminate UPS, Amazon drop offs, leave Western Union in there; okay? So I don't even have to amend this. I can read it as we just stated or --

Mr. Croughan: No. The resolution is out there, so you have to amend it.

Mr. Capozella: Oh, that's right. The public has already seen this. Right. Okay. Does that sound like a plan to everybody? Great.

Amend resolution for Allen Alvarez Gonzalez, 154 Wickham Avenue, Grocery, Deli, Coffee Shop, and Western Union Service. Motion by Mr. Madden, seconded by Ms. Witt.

Motion to vote on amended resolution by Ms. Witt, seconded by Ms. Dupre.

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

Amended resolution 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.

Mr. Capozella: So, sir, you've been approved for a grocery, deli, coffee shop, and Western Union service. You're going to omit UPS and Amazon drop off.

Mr. Alvarez: Okay.

Mr. Higbie: Subject to the DPW because he's cooking.

Mr. Capozella: That's in the resolution anyway.

Mr. Croughan: And, sir, if you find that you're able to get the UPS and you're able to get Amazon, you would have to come back to us with an amended site plan now including that.

Mr. Alvarez: Okay.

Mr. Croughan: And then it would be up to the Board at that time to vote on it.

Mr. Alvarez: Okay.

Mr. Croughan: It's not necessarily granting you approval if you get their approval. The Board still has to approve it.

Mr. Alvarez: Okay.

Mr. Croughan: Okay?

Mr. Alvarez: No problem. Thank you so much.

Mr. Croughan: Thank you.

Mr. Alvarez: Have a good night.

Mr. Capozella: Thank you.

Jean Ketlet Clerger
30-32 East Main Street
Barbershop

Mr. Capozella: How are you doing this evening?

Mr. Ketlet: Good afternoon, everybody. My name is Jean Ketlet, so my English is not very well, but my friend is here to help me.

Mr. Croughan: Just talk loud enough and into the mic.

Mr. Capozella: Talk into the mic, please.

Mr. Ketlet: All right. So I have my place in 30 East Main Street, Middletown, so I want to open a barbershop, but (inaudible).

Mr. Croughan: Okay. Just talk loudly into the mic.

Mr. Capozella: Yeah. Move the mic right to your mouth if you have to, please.

James: My name is James. I'm his friend, so he's going to open his barbershop on East Main Street.

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

Ms. Tu: Yes, we do.

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

The public hearing was opened.

Mr. Capozella: No one coming forward, I'll go to the Board for any questions, comments, or concerns.

Mr. Croughan: Mr. Martinez, any concerns?

Mr. Martinez: No concerns.

Mr. Croughan: Thank you. Mr. Witkowski, any concerns?

Mr. Witkowski: No concerns.

Mr. Croughan: Thank you.

Mr. Britto: All your employees are licensed?

Mr. Ketlet: Yes.

Mr. Capozella: That's a requirement of our resolution. Anyone needs to have a proper New York State license displayed.

Anybody else, questions, comments, concerns?

Yes, Mr. McCormack.

Mr. McCormack: Hours of operation?

Mr. Capozella: 10:00 a.m. to 8:00 p.m. daily.

Mr. McCormack: Thank you.

Mr. Capozella: You're welcome. Anybody else? I'll go the public one more time. Anyone wishing to address the application, please step forward.

No one coming forward, I need a motion to close the public hearing.

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

Motion passed.

The public hearing was closed.

Mr. Capozella: The public hearing is closed. I'll go back to the Board. None being had.

Resolution for Jean Ketlet Clerger, 30-32 East Main Street, barbershop. 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.

Angel Gonzalez
79 West Main Street
Eating and Drinking Establishment

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

Ms. Tu: Yes, we do.

Mr. Croughan: Have we heard from him, the applicant?

The Board can either adjourn the matter for future consideration since the mailings were done, or the Board can just refuse the matter and the applicant would have to start all over.

Mr. Capozella: I'd like to adjourn it for future consideration, a motion, leave it all open so he doesn't have to pay any additional fees or anything.

Mr. Croughan: The only thing is if we're going to adjourn it for future consideration, I think there has to be a time limit placed on it for the applicant to come back on this application since he's not here tonight, and we don't know if there's a reason or not.

Mr. Capozella: 30 days.

Mr. Croughan: 30 days?

Mr. Capozella: Yup. If he made a mistake, forgot about it, he can come in January. That'd be 30 days.

Mr. Croughan: So you can adjourn it to the January meeting for further action.

Mr. Britto: That would be more than 30 days from now.

Mr. Croughan: Well, we can just adjourn it to the next meeting, the January meeting.

Mr. Capozella: Okay.

Motion to adjourn for future consideration by Ms. Dupre, seconded by Mr. Britto.

Motion passed.

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

Motion passed.

Adjourned 8:30 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: January 7, 2026
 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: January 7, 2026

Richard P. McCormack

Request of Sobo and Sobo Holdings, LLC, seeking a special use permit and site plan approval for a law office located at 20 Preston Street, Middletown

WHEREAS, Sobo & Sobo 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 law office located at 20 Preston Street, Middletown. Section 39, Block 7, Lot 21.2, located in the C-2 Zone, which is a permitted use.

WHEREAS, after due notice, a public hearing was held by the Planning Board on November 5, 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, 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 Sobo & Sobo Holdings LLC for a special use permit and site plan approval for a law office, located at 20 Preston Street, Middletown.

Hours of operation are Monday to Friday, 8:00 a.m. to 5:00 p.m., Saturday 9:00 a.m. to 1:00 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 and 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, 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.	PlanningBdApp 20PrestonSt (002)
2.	preston-006

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 20 PRESTON STREET

Section 37 Block 7 Lot 20421 Current Zoning District C-2

Building Existing New _____

2. Owner of Property SORO & SORO HOLDINGS LLC

Owner's Address 1 DOLSON AVE

City MIDDLETOWN State NY Zip 10940

Phone numbers: Home: _____

Business: 845-343-7626

Cell: _____

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 # 475-20 (11) (f)

Classification of Occupancy requested LAWYER OFFICE

Description of what you are requesting: CONVERT TO OFFICE BUILDING FOR 6 SUPPORT STAFF

Uses currently in property: VACANT. PREVIOUS AUTO BODY SHOP

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	<u>475-20 D</u>	<u>7500 sq Ft</u>	<u>17,248 sq Ft</u>
Front yard	<u>F(1)(a)</u>	<u>25'</u>	<u>15.3'</u>
Rear yard	<u>F(1)(c)</u>	<u>20'</u>	<u>48.2'</u>
Side yard	<u>F(1)(b)</u>	<u>5'</u>	<u>9.4'</u>
Side yard	<u>F(1)(b)</u>	<u>5'</u>	<u>50'</u>
Parking			

Answer this section only for multiple dwellings

Lot coverage _____

Building height _____

Open Space _____

Playlot _____

Livable floor area _____

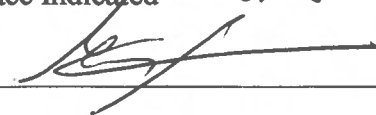
Number of Bedrooms _____

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.

PRESENT BUILDING IS SET BACK 15.3' FROM STREET. CODE § 475-20 (F)(1)(a) PROVIDES A 25' SETBACK. VARIANCE OF 9.7' IS REQUESTED TO USE EXISTING BUILDING AS IS.

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 SORU & SORU HOLDINGS LLC

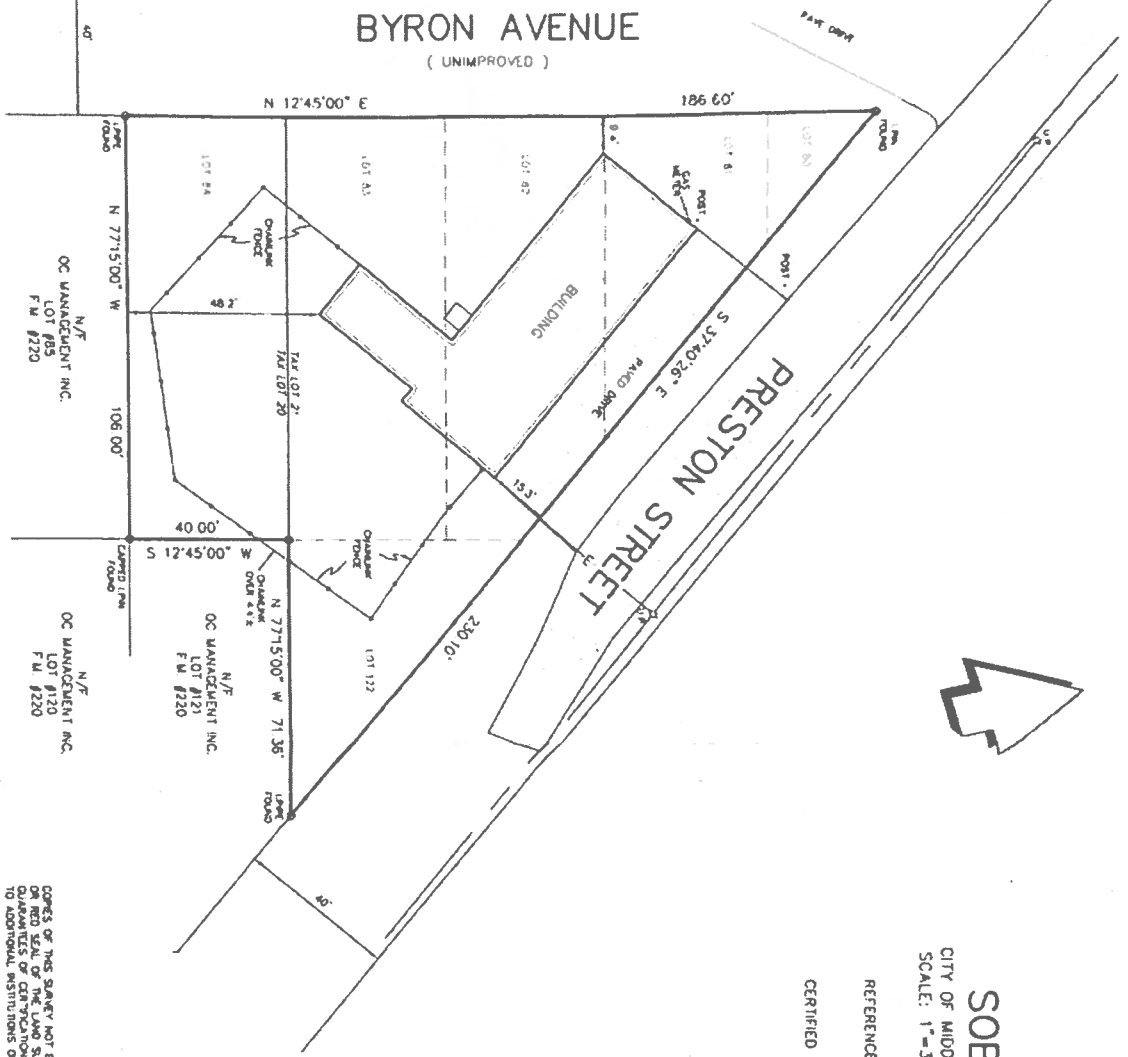
Signature: 

Printed Name and Title: GREGORY SORU, MEMBER

Date: 7/31/2025

SECTION 39 BLOCK 7 LOTS 20 & 21

OR23-07



SURVEY OF PROPERTY
 FOR
SOBO & SOBO HOLDINGS LLC
 ORANGE COUNTY, N.Y.
 CITY OF MIDDLETOWN
 FEBRUARY 23, 2023
 SCALE: 1"=30'
 TOTAL AREA=0.396 ACRES

REFERENCE: BEING LOTS 80, 81, 82, 83, 84 & 122 AS SHOWN ON MAP ENTITLED,
 "MAP OF POTTER REALTY COMPANY'S PROPERTY", FILED IN THE
 O.C.C.O. ON JUNE 15, 1912, AS MAP No. 220
 CERTIFIED TO SOBO & SOBO HOLDINGS LLC, TO BE CORRECT AND ACCURATE.

COPIES OF THIS SURVEY NOT BEING THE DISPOSED SET,
 THIS SURVEY SHALL NOT BE VALID
 UNLESS THE ORIGINAL SURVEY IS FILED IN THE
 OFFICE OF THE CLERK OF THE SUPREME COURT
 TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
 UNAUTHORIZED ALTERATION OF THIS DOCUMENT IN ANY
 MANNER IS PROHIBITED AND IS A VIOLATION OF NEW
 YORK EDUCATION LAW SECTION 3709 (2), STATE OF NEW

JAMES R. DILLAN, PLS
 PROFESSIONAL LAND SURVEYOR
 GOSHEN, NEW YORK
 U.C. 49087

SURVEY OF PROPERTY
FOR

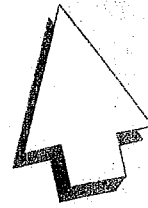
SOBO & SOBO HOLDINGS LLC

CITY OF MIDDLETOWN
SCALE: 1"=30'

ORANGE COUNTY, N.Y.
FEBRUARY 23, 2023 TOTAL AREA=0.396 ACRES

REFERENCE: BEING LOTS 80, 81, 82, 83, 84 & 122 AS SHOWN ON MAP ENTITLED,
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CERTIFIED TO: SOBO & SOBO HOLDINGS LLC, TO BE CORRECT AND ACCURATE.

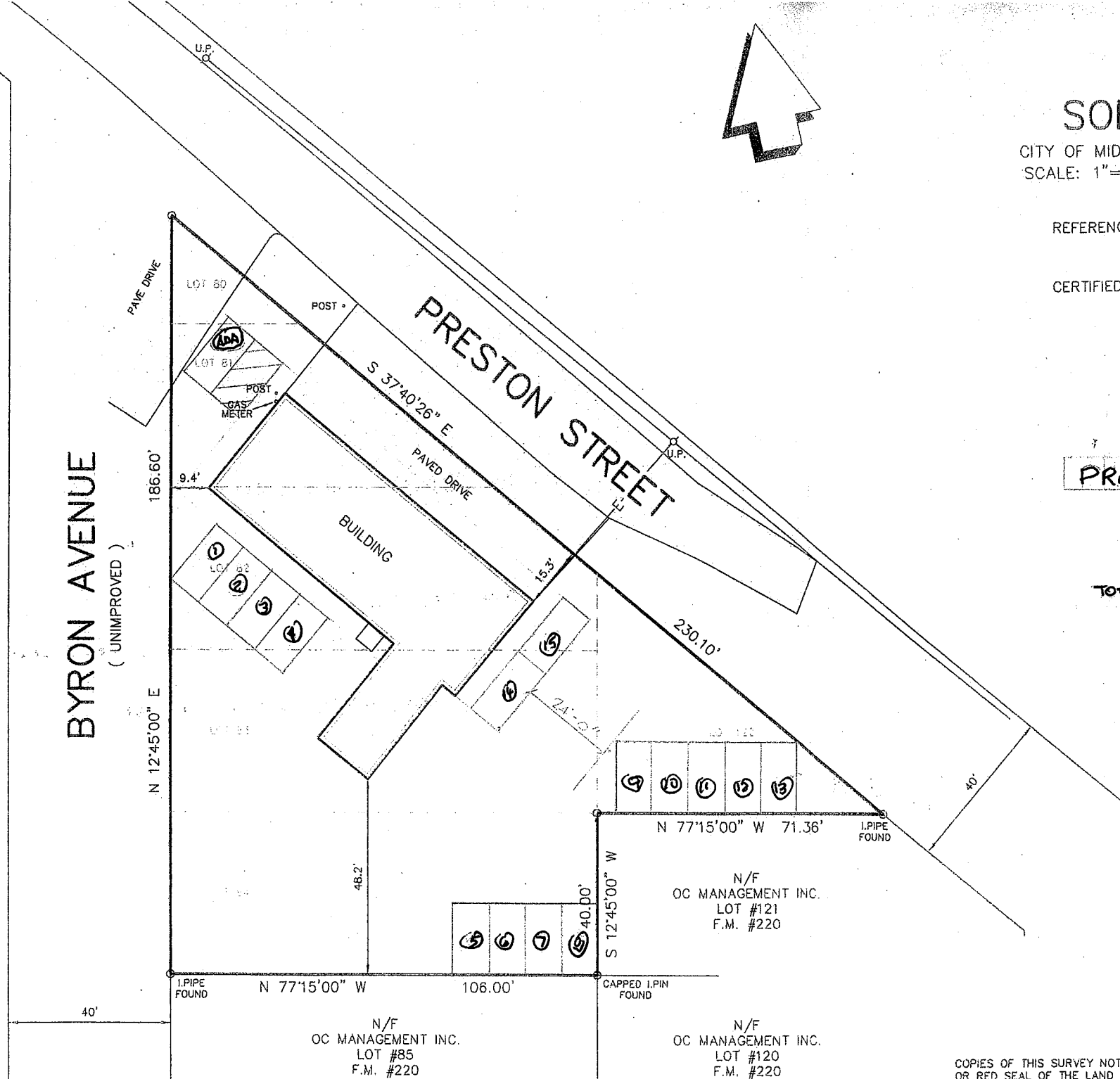


PROPOSED PARKING **OFFICE SPACE**

TOTAL SF OF BUILDING = 2880SF

+ 300SF (ONE SPACE PER SF REQUIRED)

TOTAL = 9.6 SPACES REQUIRED



COPIES OF THIS SURVEY NOT BEARING THE EMBOSSED SEAL OR RED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. GUARANTEES OF CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.



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

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: January 7, 2026
 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: January 7, 2026

Richard P. McCormack

Request of Elizabeth Hilario, seeking a site plan approval and a special use permit to have a nail spa salon located at 37 North Street, Middletown

WHEREAS, Elizabeth Hilario, seeking a special use permit and site plan approval in order to have a nail spa salon, located at 37 North Street, Middletown. Section 31, Block 7, Lot 25.1, located in the DMU Zone which is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on January 7, 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, 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 Elizabeth Hilario, for a special use permit and site plan

approval in order to have a nail spa salon, located at 37 North Street, Middletown. Spa personnel must have a proper NYS license to perform any spa activities.

Hours of operation are Monday -Friday 9:30AM-8PM, Saturday 9AM-6PM.

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 and 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. The applicant will be required to pay any outstanding fees, such as, application fees and professional fees, if any. If these remain unpaid after a 10-day notice, the approval will be rescinded, and it will be a violation to continue to operate/rent/lease space.

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.	37 north-004
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 37 North St. middletown, NY 10940

Section 31 Block 7 Lot 25.1

Current Zoning District DMU

Building Existing _____ New _____

2. Owner of Property 31 North Street Inc. do Jun Huan Chang

Owner's Address 35 North St 1st Floor

City Middletown State M Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 917-972-9717

3. Applicant name Elizabeth Hilario

If different from Owner

Applicants Address 38 Kennedy terr.

City Middletown State N.Y. Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 646-281-2016

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: NAILS SPA SALON.

Monday - Friday: 9:30am - 8pm Saturday: 9am - 6pm

Uses currently in property: Vacant

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 _____

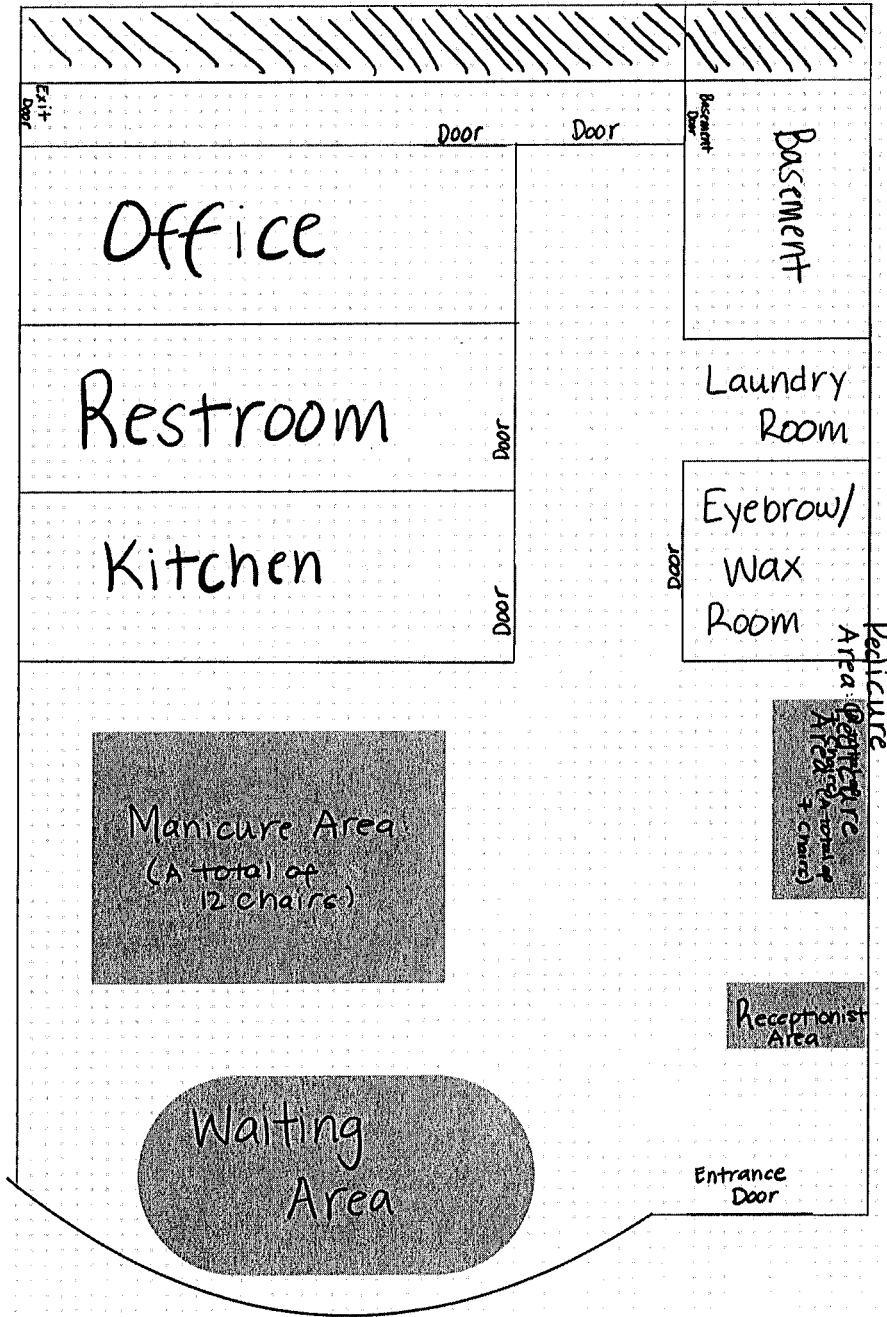
Number of Bedrooms _____

Signature: Elizabeth Hilario

Printed Name and Title: Elizabeth Hilario

Date: 11/17/2025

Salon Layout:





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

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: January 7, 2026
 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: January 7, 2026

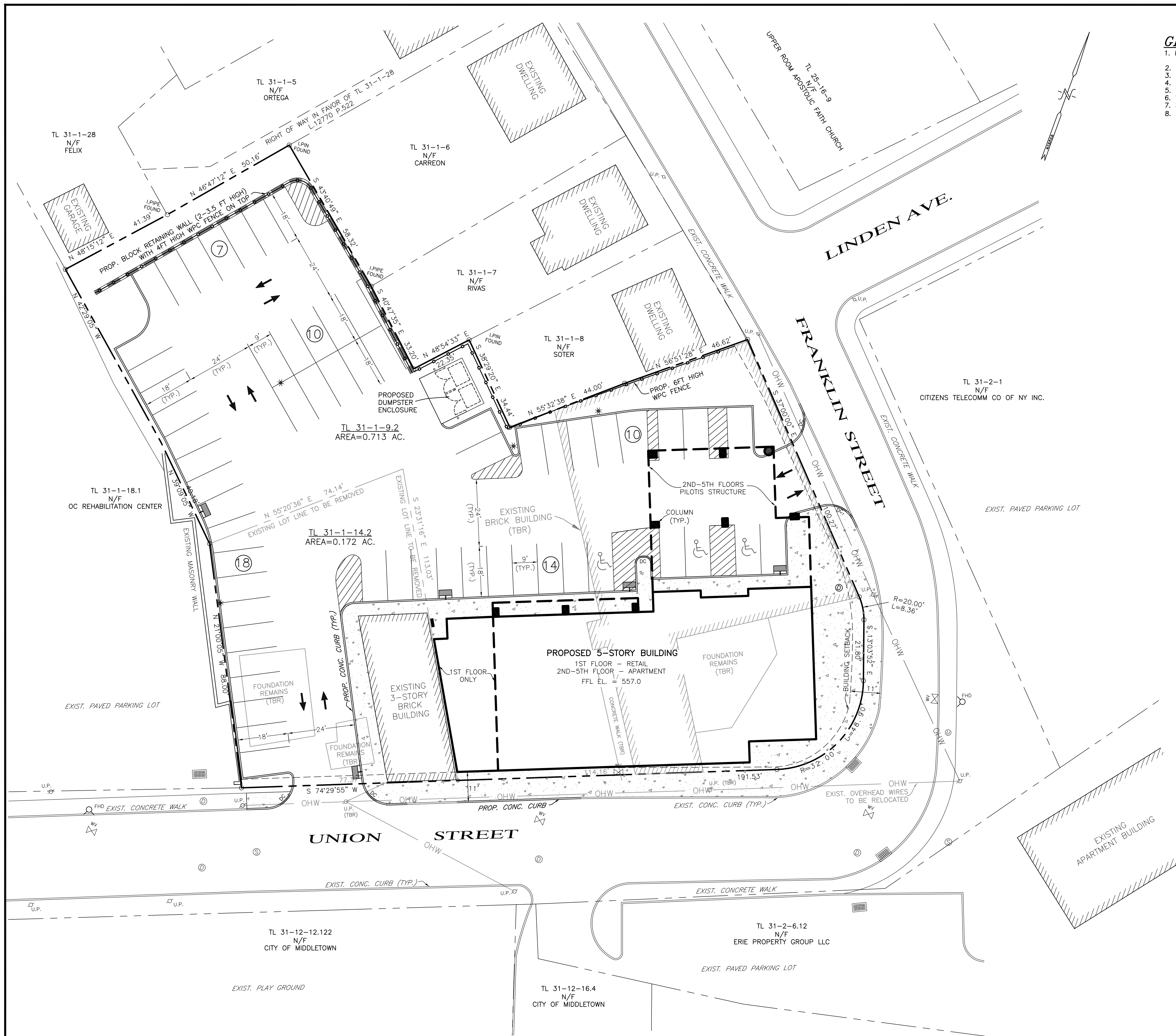
Richard P. McCormack

Request of Sen Wang, seeking a site plan approval and a special use permit for a proposed 5-story commercial and residential building with 38 apartments, located at 12-14 Union Street and 4-8 Franklin Street, Middletown

Prepared by:

Attachments:

1.	SITE PLAN 12-29-2025
2.	4-8 Franklin App
3.	EAF Franklin
4.	DEC Franklin



GENERAL NOTES

1. PARCELS OF LAND ARE LOCATED IN THE CITY OF MIDDLETOWN, SECTION 31 BLOCK 1 LOTS 9.2 & 14.2. THE PARCELS WILL BE COMBINED.
2. TOTAL AREA OF PARCELS: 0.94 ACRES.
3. PARCELS ARE ZONED DMU, DOWNTOWN MIXED-USE DISTRICTS.
4. NO FEDERAL OR NYSDEC WETLANDS ARE FOUND ON SITE.
5. THE PARCELS ARE NOT WITHIN FEMA 100 YEAR FLOODPLAIN.
6. WATER SUPPLY: MUNICIPAL - CITY OF MIDDLETOWN
7. SEWAGE DISPOSAL: MUNICIPAL - CITY OF MIDDLETOWN
8. REFERENCE: MAP ENTITLED, "SUBDIVISION OF PROPERTY FOR UNISOL", FILED IN THE O.C.C.O. ON DECEMBER 12, 2016 AS MAP #377-16



LOCATION MAP
SCALE 1"=500'

BULK REQUIREMENTS

ZONE DMU (DOWNTOWN MIXED-USE DISTRICTS)

	MIN. REQUIRED	PROPOSED
LOT AREA (SF.)	7,500	>7,500
LOT WIDTH (FT.)	75	>75
FRONT YARD (FT.)	0*	>0
REAR YARD (FT.)	0*	>0
SIDE YARD (FT.)	0*	>0
BOTH SIDE YARDS (FT.)	0*	>0

	MAX. PERMITTED	PROPOSED
BLDG. HEIGHT (FT.)	90	<90
BLDG. STORIES	6	<6

* NO BUILDING SHALL EXTEND LESS THAN 11 FEET FROM THE CURBLINE EXCEPT WHERE THE PRESENT SIDEWALKS ARE NARROWER, UNDER WHICH CIRCUMSTANCES THE SIDEWALKS SHALL CONFORM TO EXISTING BUILDING LINES.

PARKING CALCULATIONS

REQUIRED:

1 BED-ROOM UNIT:
1.5 PARKING SPACES PER UNIT
16 UNITS x 1.5 = 24 SPACES

2 BED-ROOM UNIT:
1.5 PARKING SPACES PER UNIT
19 UNITS x 1.5 = 28.5 SPACES

3 BED-ROOM UNIT:
2 PARKING SPACES PER UNIT
3 UNITS x 2 = 6 SPACES

TOTAL REQUIRED = 24+28.5+6 = 58.5 SPACES

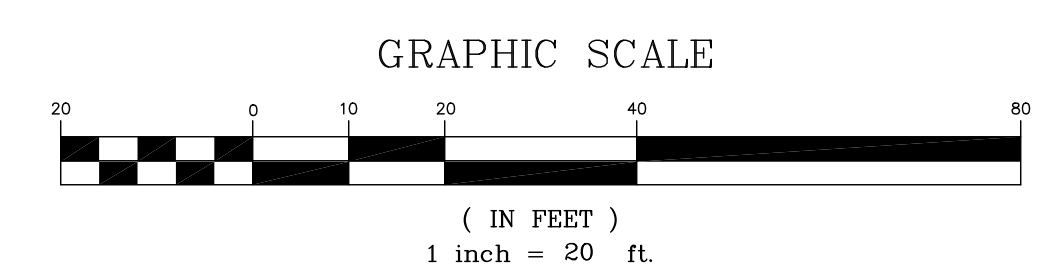
PROVIDED:
59 SPACES

ACCORDING TO ADA STANDARDS, 3 HC ACCESSIBLE PARKING SPACES ARE REQUIRED FOR TOTAL 51 TO 75 PARKING SPACES.
3 HC PARKING SPACES PROVIDED.

LEGEND

	PROPERTY BOUNDARY
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING GAS LINE
	EXISTING CITY WATER MAIN
	EXISTING CITY SANITARY SEWER MAIN
	PROPOSED FENCE
	PROPOSED CONCRETE WALK
	EXISTING UTILITY POLE
	EXISTING HYDRANT
	EXISTING CATCH BASIN
	EXISTING WATER VALVE
	EXISTING SEWER MANHOLE
	EXISTING DRAINAGE MANHOLE
	PROPOSED CURB INLET
	PROPOSED DRAINAGE MANHOLE
	PROPOSED LIGHT POLE
	PROPOSED DROP CURB AND ADA RAMP LOCATION

- DRAWING LIST**
1. COVER SHEET
 2. EXISTING CONDITION
 3. GRADING & EROSION CONTROL PLAN
 4. UTILITY PLAN
 5. LANDSCAPE & LIGHTING PLAN
 6. DETAILS



UNAUTHORIZED ALTERATION OR ADDITIONS TO A PLAN BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

XUESHAN TENG, P.E.
New York State Lic. No. 098992

OVERALL SITE PLAN

4-8 FRANKLIN STREET

CITY OF MIDDLETOWN ORANGE COUNTY, NY

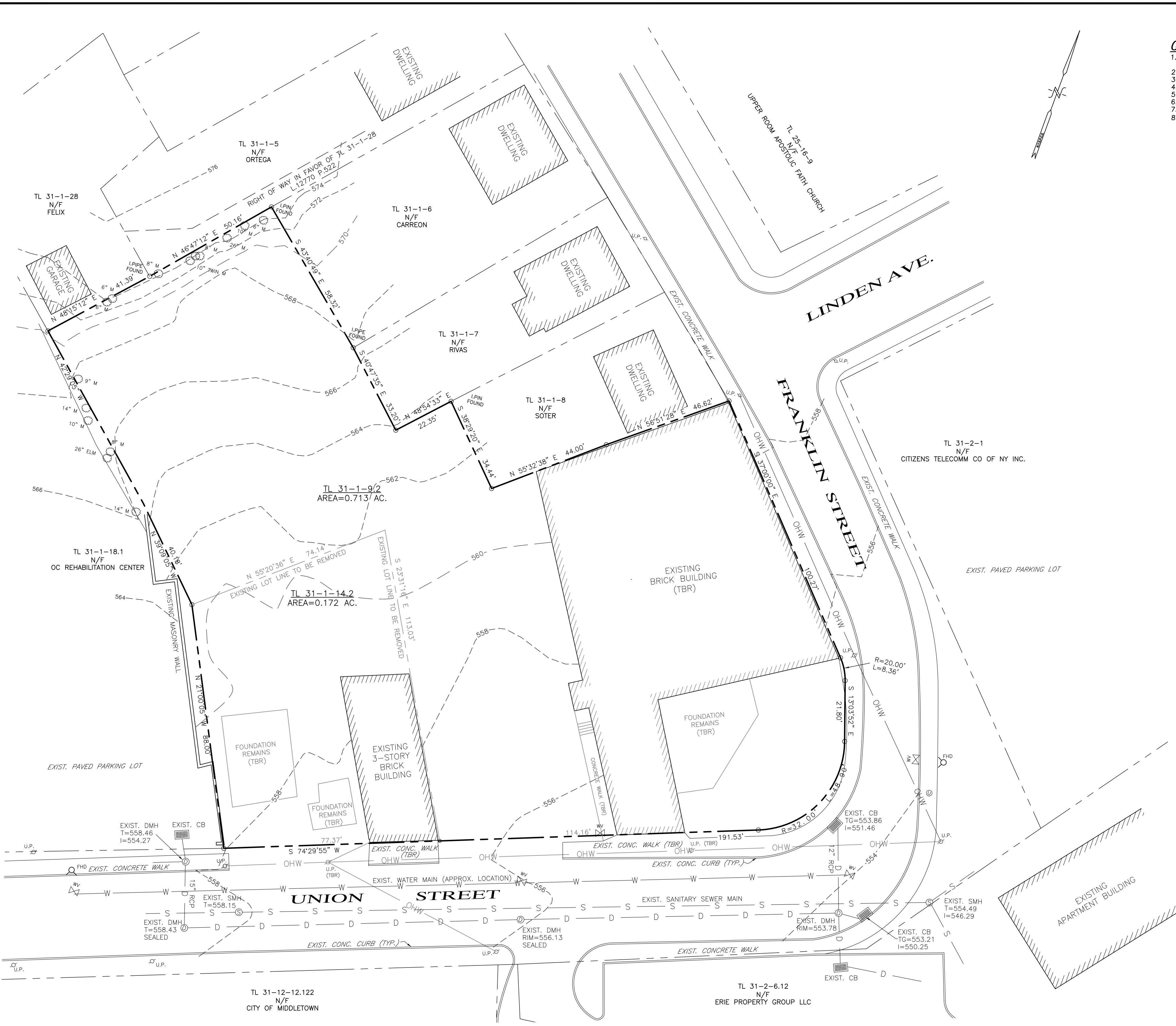
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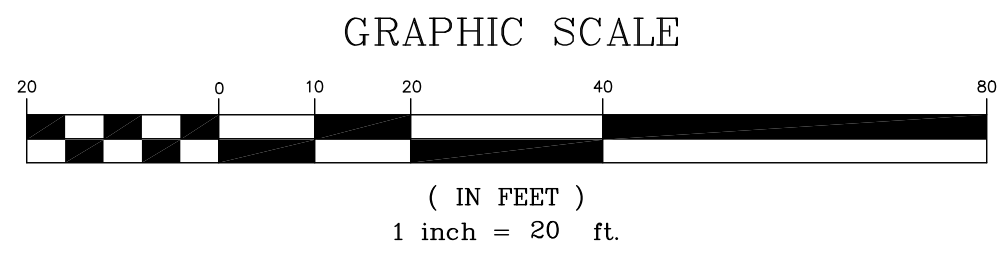
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8. REFERENCE: MAP ENTITLED "SUBDIVISION OF PROPERTY FOR UNISOL", FILED IN THE O.C.C.O. ON DECEMBER 12, 2016 AS MAP #377-16



LEGEND

- — — — — PROPERTY BOUNDARY
- OHW — — — — — EXISTING OVERHEAD ELECTRIC LINE
- GAS — GAS — — — — — EXISTING GAS LINE
- W — — — — — EXISTING CITY WATER MAIN
- S — S — — — — — EXISTING CITY SANITARY SEWER MAIN
- U.P. — — — — — EXISTING UTILITY POLE
- ⊕ — — — — — EXISTING HYDRANT
- ⊕ — — — — — EXISTING CATCH BASIN
- ⊕ — — — — — EXISTING WATER VALVE
- ⊕ — — — — — EXISTING SEWER MANHOLE
- ⊕ — — — — — EXISTING DRAINAGE MANHOLE
- 6.36--- EXISTING CONTOUR
- — — — — — EXISTING TREE



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EXISTING CONDITION

4-8 FRANKLIN STREET

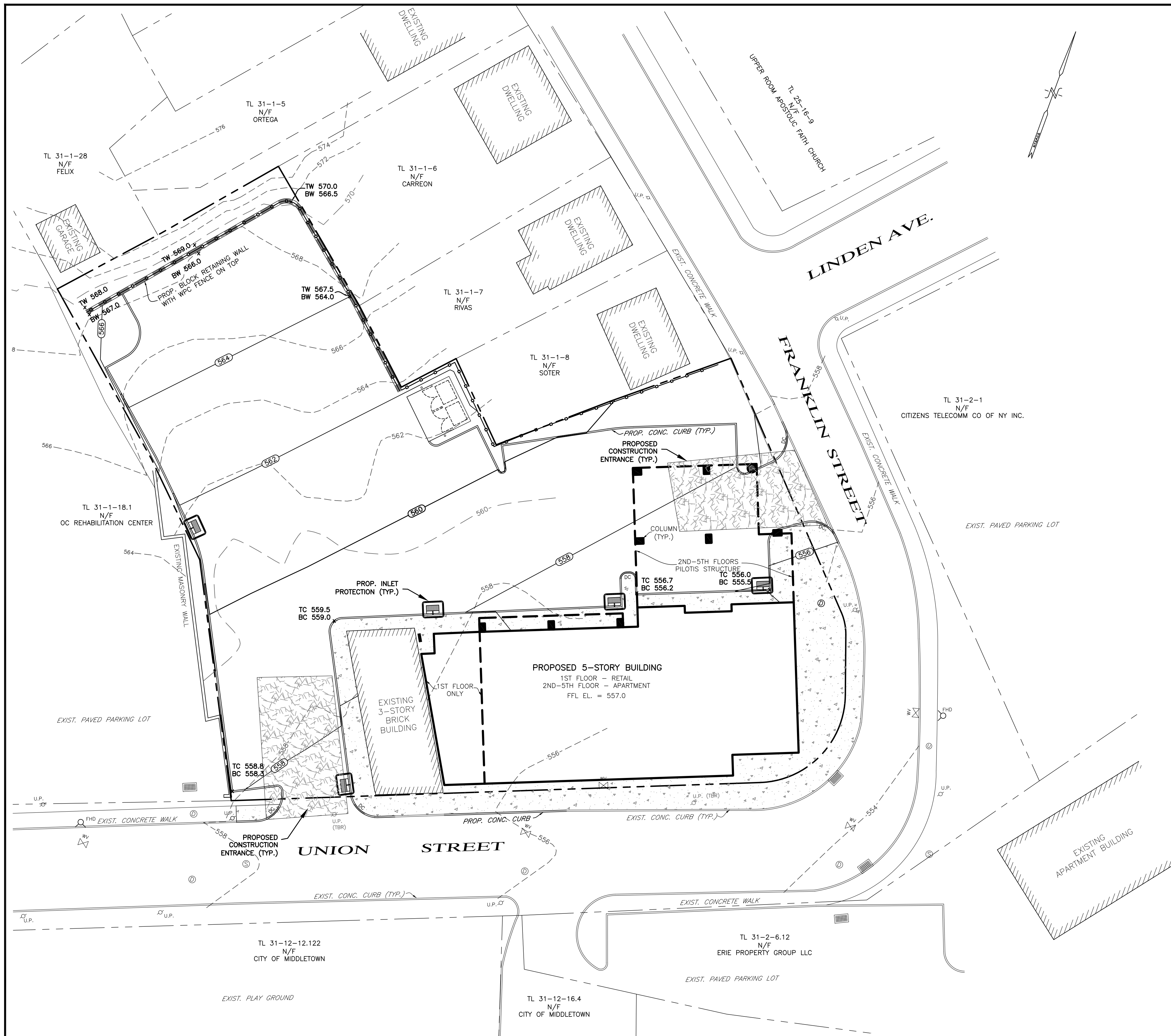
CITY OF MIDDLETOWN

ORANGE COUNTY, NY

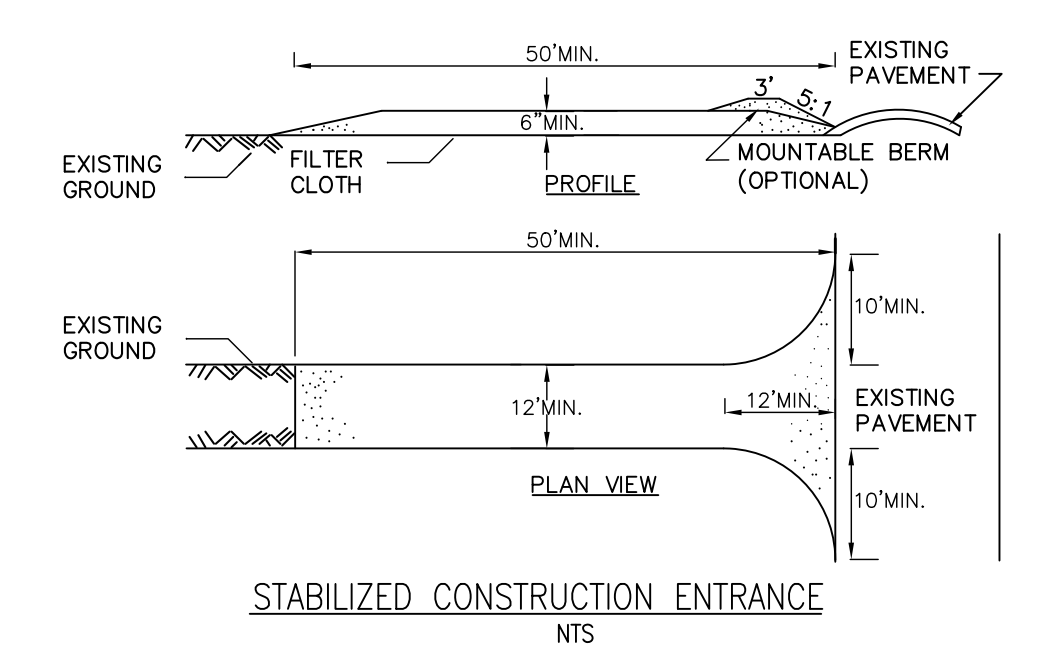
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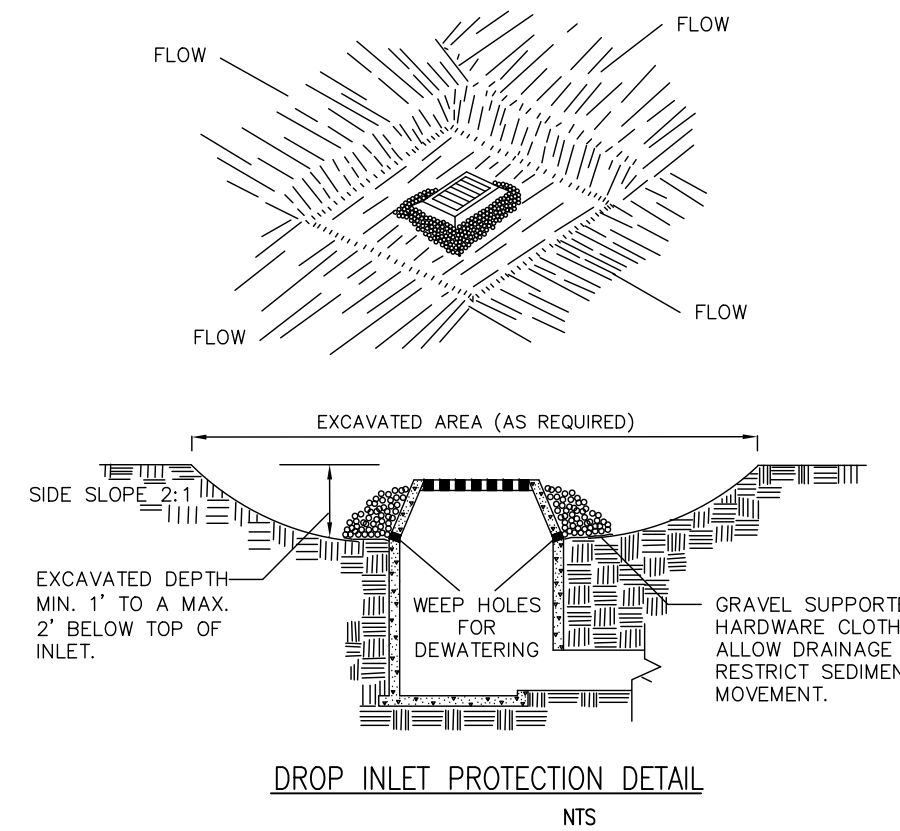


- EROSION CONTROL NOTES**
1. THE OWNER/CONTRACTOR SHALL PERFORM TEMPORARY CONTROL MEASURES AS DIRECTED BY THE ENGINEER DURING CONSTRUCTION. METHODS SHALL INCORPORATE, BUT NOT BE LIMITED TO, DIVERSION BERMS, DETENTION BASINS, STRAW BALES, SILT FENCES, FIBER MATS, CHECK DAMS, GRAVEL, VEGETATIVE GROWTH, MULCHES, AND SIMILAR DEVICES. ALL EROSION CONTROL METHODS USED SHALL BE IN CONFORMANCE TO THE NYSDEC - GUIDELINES FOR EROSION & SEDIMENT CONTROL.
 2. TEMPORARY VEGETATIVE COVER - GRASS SHALL BE A QUICK GROWING SPECIES (SUCH AS RYE GRASS, ITALIAN RYE GRASS, OR CEREAL GRASSES) SUITABLE TO THE AREA'S SOIL. GRASS SHALL BE SOWN WITH A MULCH CONSISTING OF HAY, STRAW, BARK, JUTE, NETTING, WOOD CHIPS, O.E. FERTILIZER AND SOIL CONDITIONERS OF A STANDARD COMMERCIAL GRADE SHALL BE INCLUDED WITH THE SEEDING AND MULCHING.
- PERMANENT SEEDING & MULCHING - ALL AREAS DISTURBED BY ON-SITE GRADING, THAT WILL NOT BE CONSTRUCTED UPON, SHOULD BE ESTABLISHED TO PERMANENT VEGETATIVE COVER, USING THE FOLLOWING SEEDING SCHEDULE:
- | | LBS./ACRE | LBS./1000 SQ. FT. |
|---------------------|-----------|-------------------|
| CREeping RED FESCUE | 10 | 0.23 |
| TALL FESCUE | 15 | 0.34 |
| CROWN VETCH | 15 | 0.34 |
- ALL SEEDED AREAS TO HAVE AN APPLICATION OF THE FOLLOWING:
LIME - AMOUNT NEEDED TO OBTAIN A P.H. OF 5.5

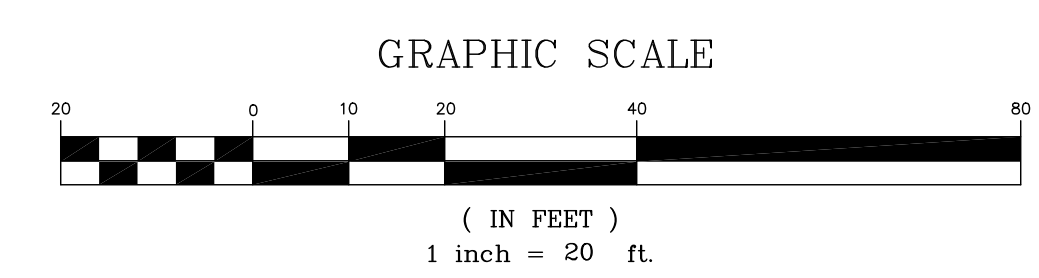


- CONSTRUCTION SPECIFICATIONS**
1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
 2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
 3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
 4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
 5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
 6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
 7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
 8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
 9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

- LEGEND**
- PROPERTY BOUNDARY
 - - - - - PROPOSED FENCE
 - PROPOSED CONCRETE WALK
 - EXISTING UTILITY POLE
 - EXISTING HYDRANT
 - EXISTING CATCH BASIN
 - EXISTING WATER VALVE
 - EXISTING SEWER MANHOLE
 - EXISTING DRAINAGE MANHOLE
 - PROPOSED CURB INLET
 - PROPOSED DRAINAGE MANHOLE
 - PROPOSED DROP CURB AND ADA RAMP LOCATION
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - 641.5 x PROPOSED SPOT ELEVATION



- CONSTRUCTION SPECIFICATIONS**
1. CLEAR THE AREA OF ALL DEBRIS THAT WILL HINDER EXCAVATION.
 2. GRADE APPROACH TO THE INLET UNIFORMLY AROUND THE BASIN.
 3. WEEP HOLES SHALL BE PROTECTED BY GRAVEL.
 4. UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA, SEAL WEEP HOLES, FILL BASIN WITH STABLE SOIL TO FINAL GRADE, COMPACT IT PROPERLY AND STABILIZE WITH PERMANENT SEEDING.
- MAXIMUM DRAINAGE AREA 1 ACRE



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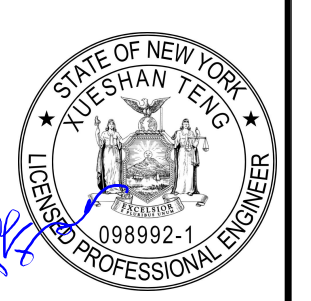
XUESHAN TENG, P.E.
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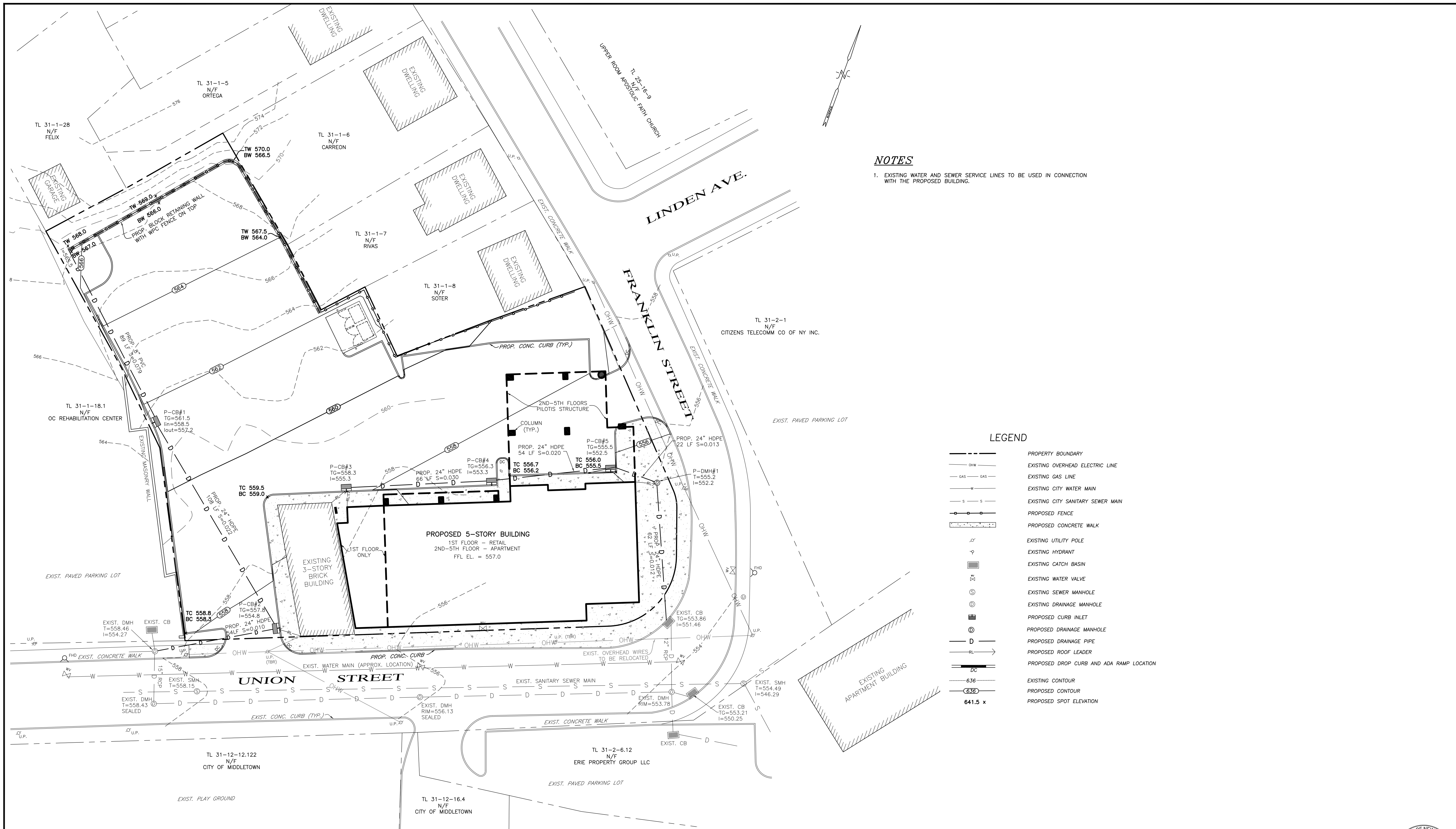
GRADING & EROSION CONTROL PLAN

4-8 FRANKLIN STREET

CITY OF MIDDLETOWN ORANGE COUNTY, NY

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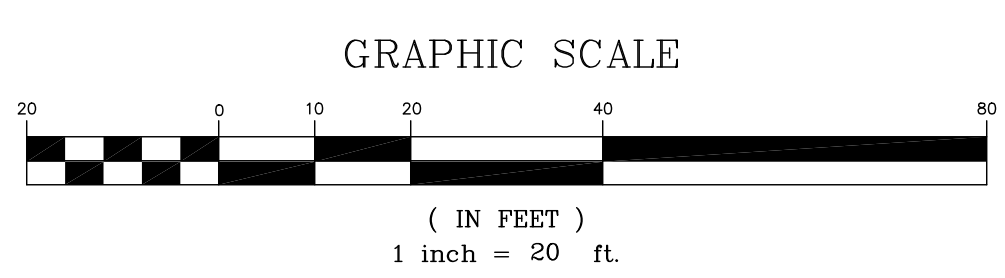




NOTES
 1. EXISTING WATER AND SEWER SERVICE LINES TO BE USED IN CONNECTION WITH THE PROPOSED BUILDING.

LEGEND

	PROPERTY BOUNDARY
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING GAS LINE
	EXISTING CITY WATER MAIN
	EXISTING CITY SANITARY SEWER MAIN
	PROPOSED FENCE
	PROPOSED CONCRETE WALK
	EXISTING UTILITY POLE
	EXISTING HYDRANT
	EXISTING CATCH BASIN
	EXISTING WATER VALVE
	EXISTING SEWER MANHOLE
	EXISTING DRAINAGE MANHOLE
	PROPOSED CURB INLET
	PROPOSED DRAINAGE MANHOLE
	PROPOSED DRAINAGE PIPE
	PROPOSED ROOF LEADER
	PROPOSED DROP CURB AND ADA RAMP LOCATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED SPOT ELEVATION



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UTILITY PLAN

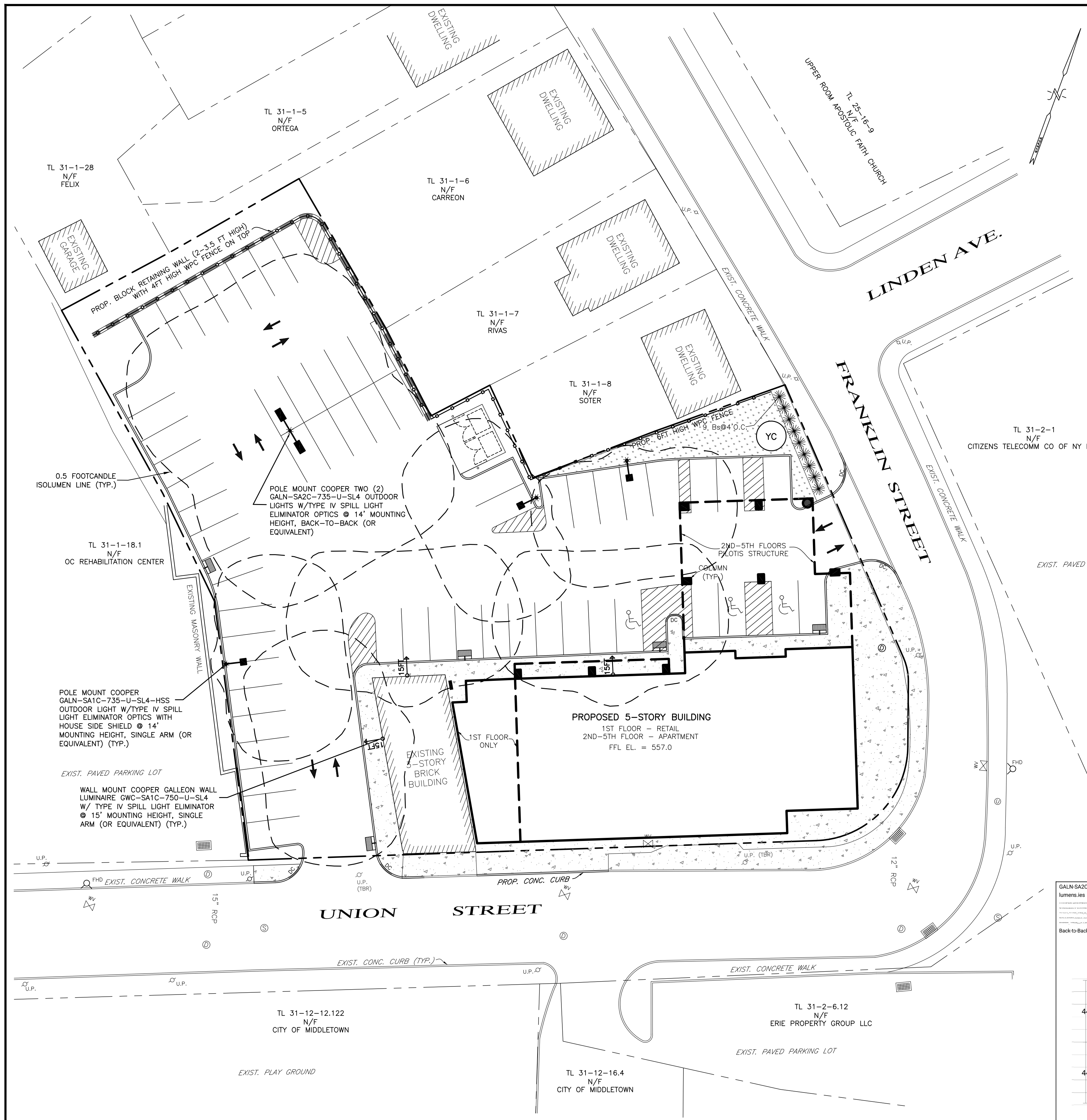
4-8 FRANKLIN STREET

CITY OF MIDDLETOWN ORANGE COUNTY, NY

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By	Date	Description

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TREE LIST						
TYPE	KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
DECIDUOUS TREES	YC	1	PRUNUS X YEDOENSIS	YOSHINO CHERRY	2 1/2" C	B&B

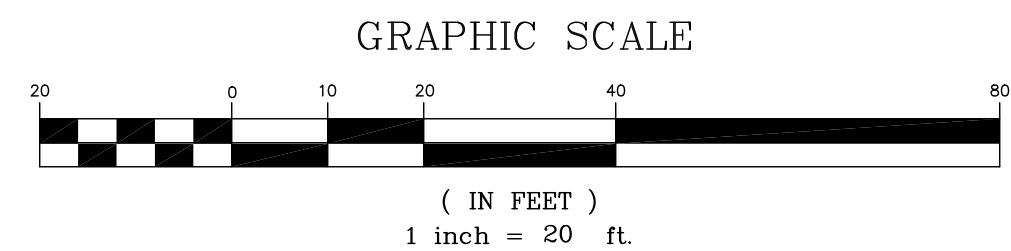
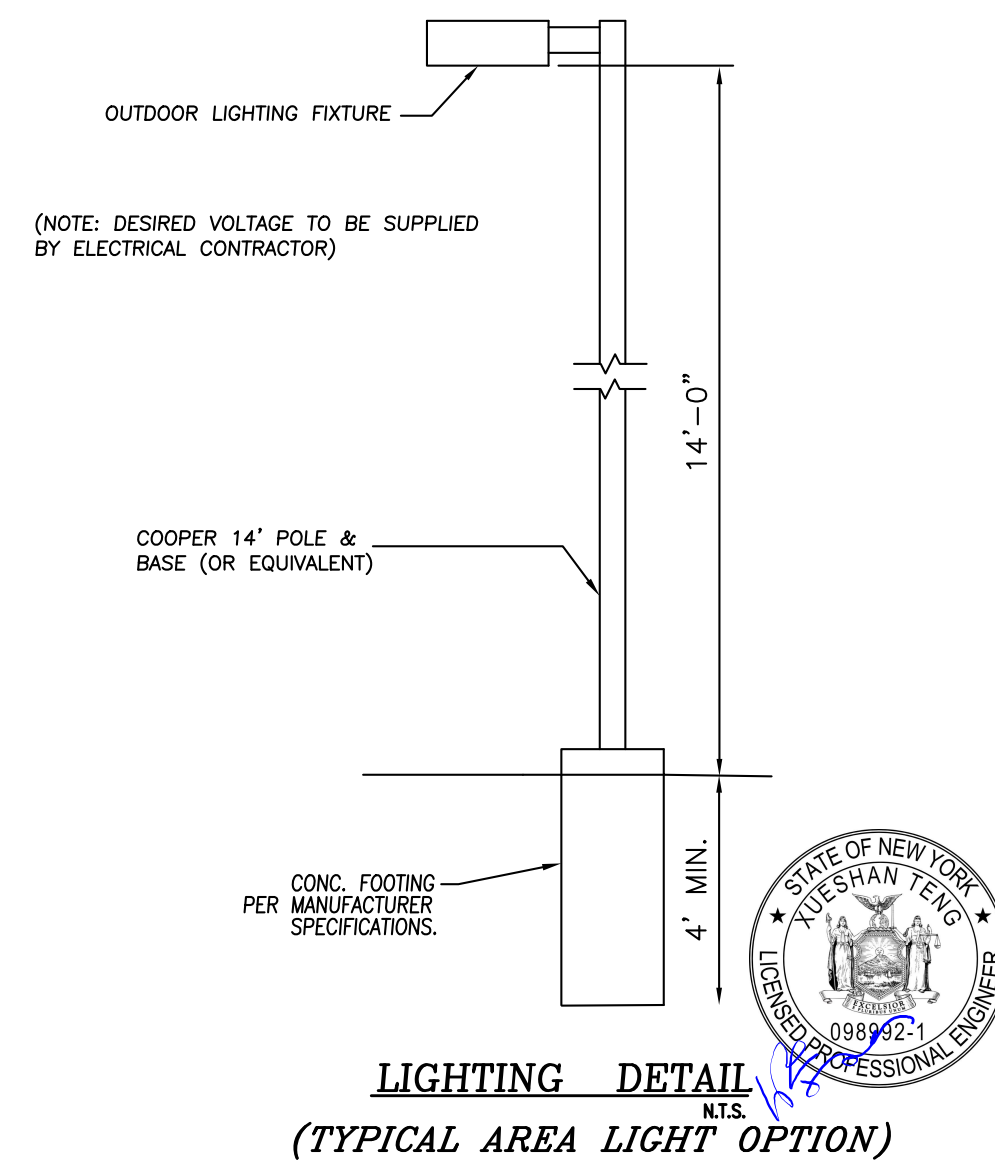
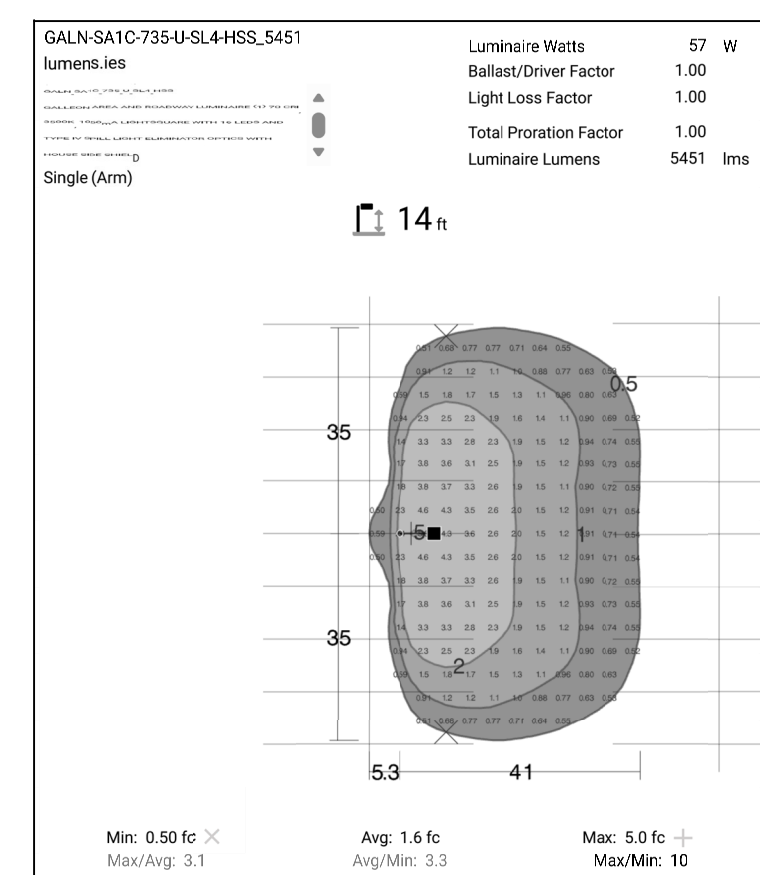
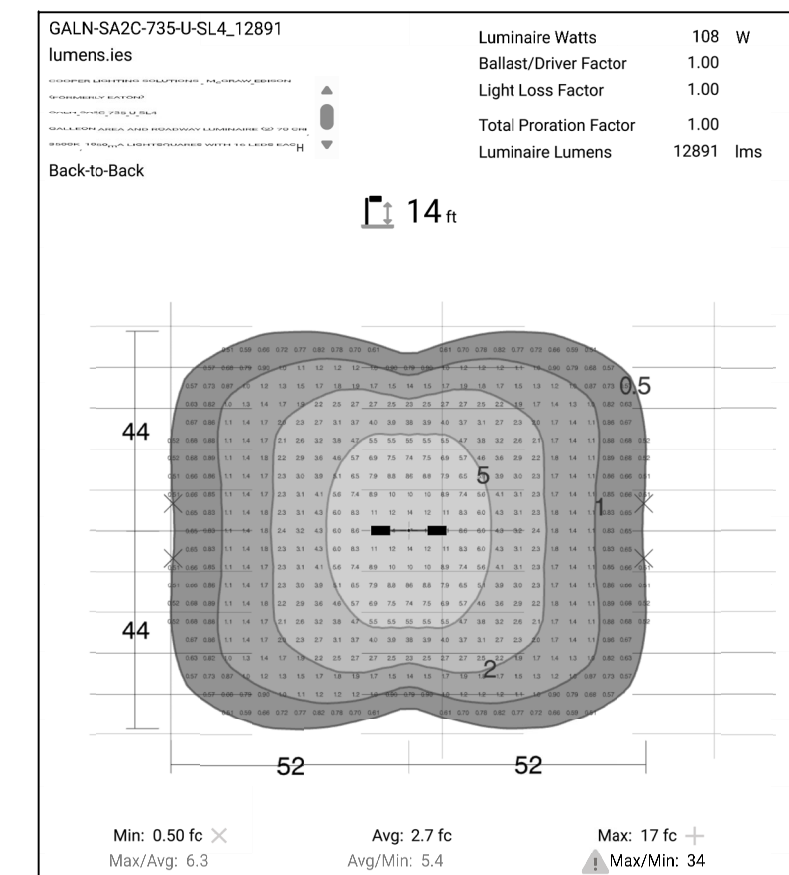
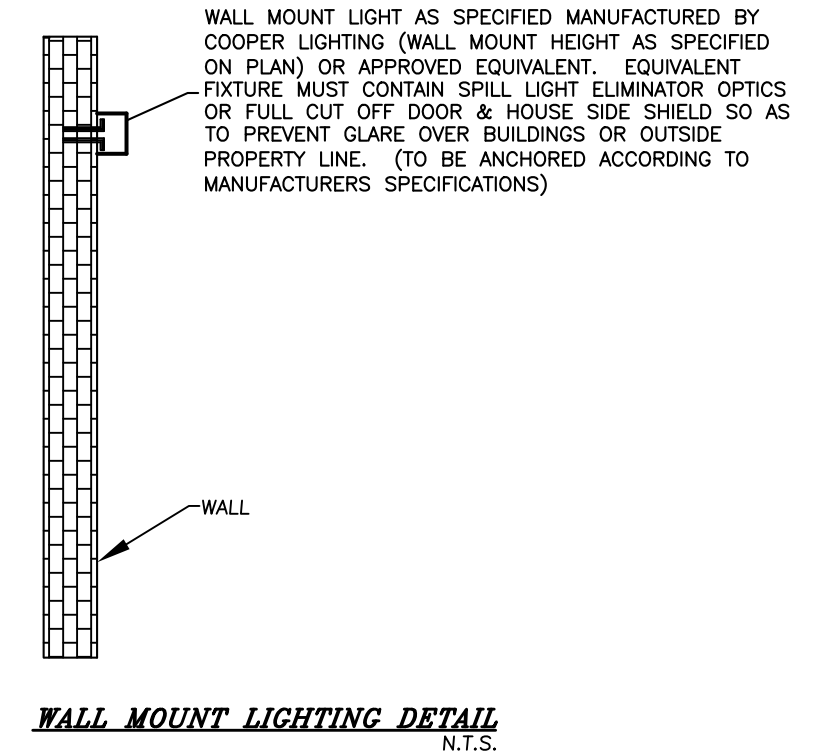
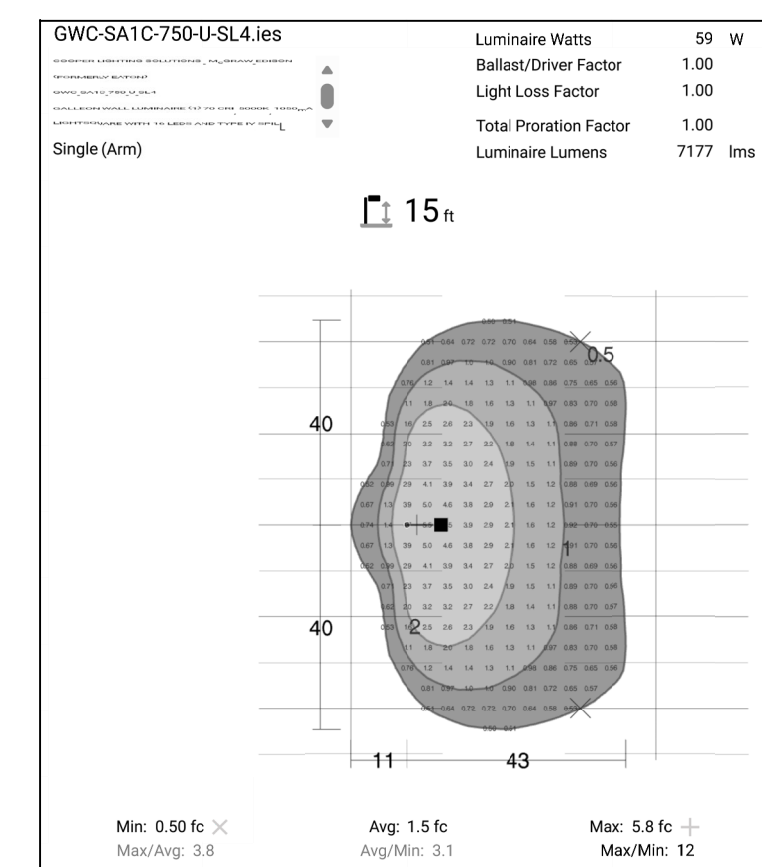
SHRUB & PERENNIAL LIST						
TYPE	KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
EVERGREEN SHRUBS	Bs	9	BUXUS SINICA VAR. INSULARIS WINTERGREEN	WINTERGREEN BOXWOOD	30" - 34"	CONTAINER

LANDSCAPE PLAN LEGEND

- PROPOSED DECIDUOUS TREES
- PROPOSED EVERGREEN SHRUBS
- PROPOSED LAWN

LIGHTING NOTES:

- ALL EXTERIOR LIGHTING SHALL HAVE DAYLIGHT SENSORS OR TIMERS INSTALLED. ALL EXTERIOR LIGHTS ARE TO BE DOWNWARD FACING, AND SHIELDED, TO MINIMIZE SPILL OVER OF GLARE.



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LANDSCAPING & LIGHTING PLAN

4-8 FRANKLIN STREET

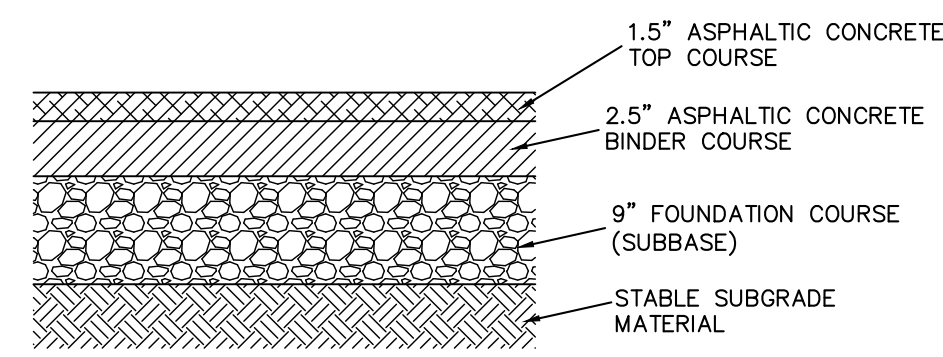
CITY OF MIDDLETOWN

ORANGE COUNTY, NY

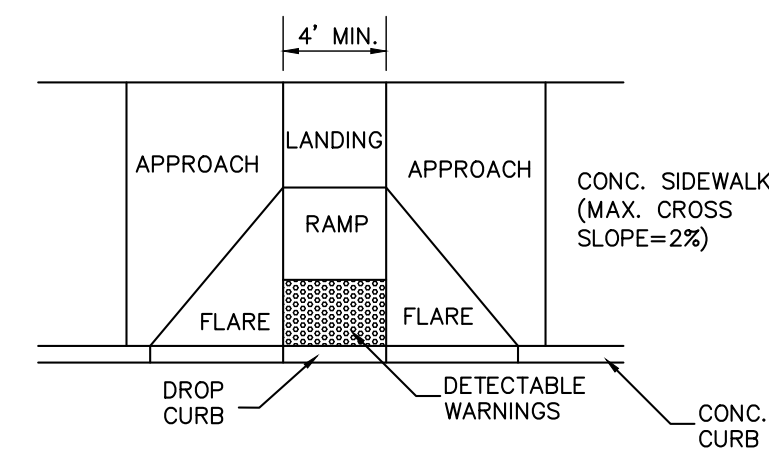
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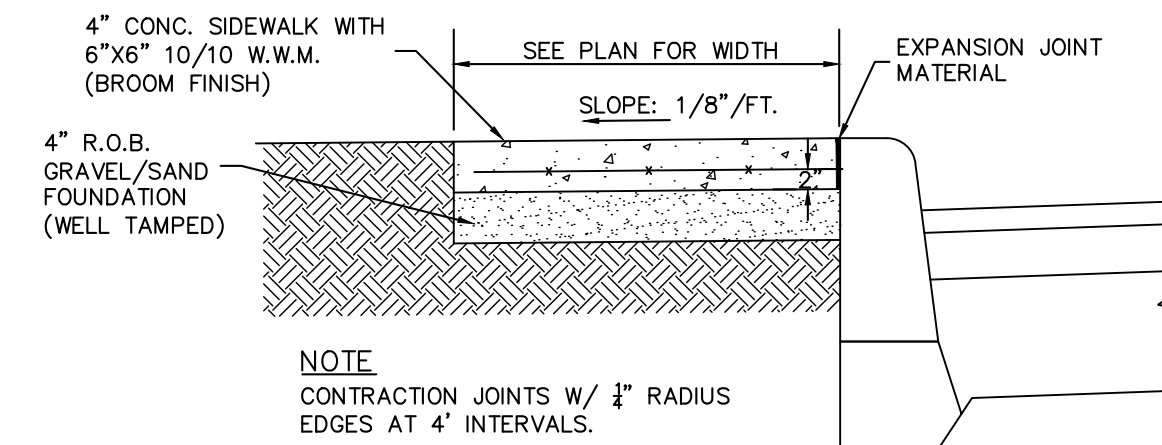




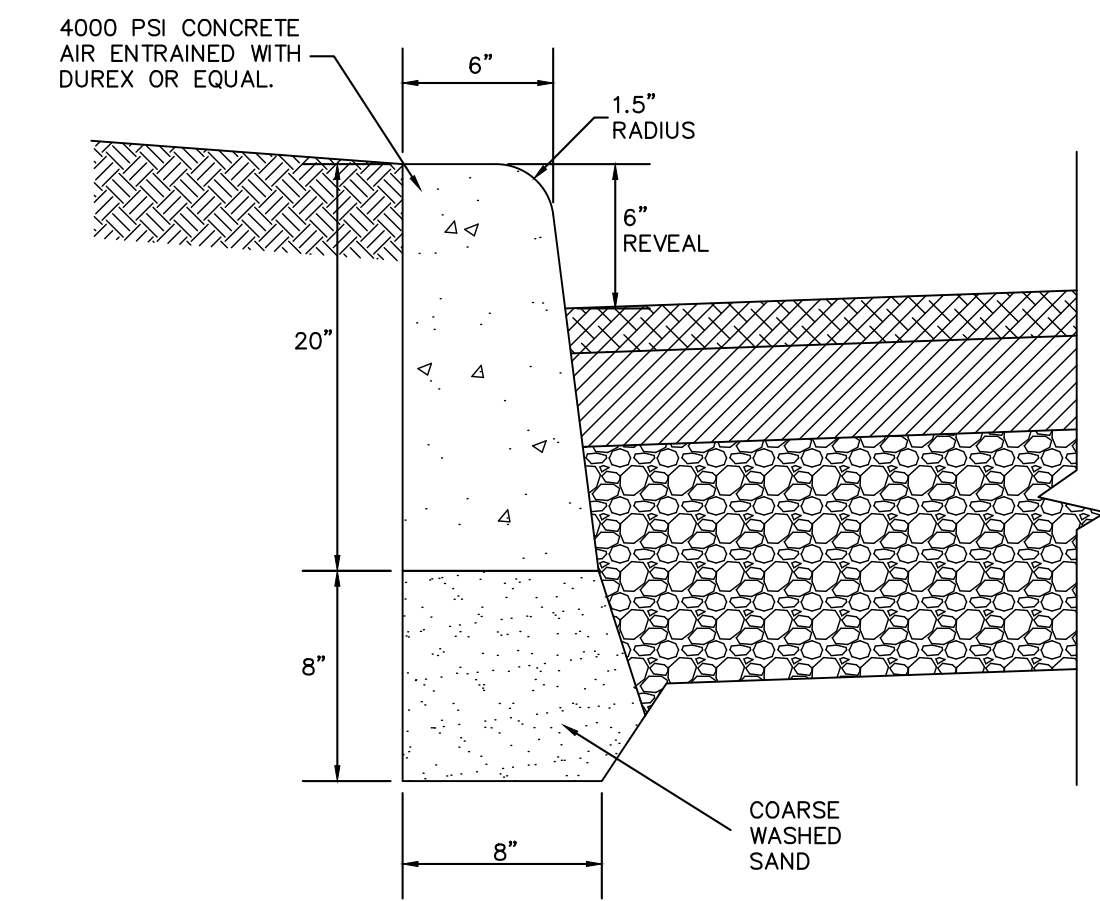
PARKING LOT PAVEMENT DETAIL
MS



HC RAMP DETAIL
MS

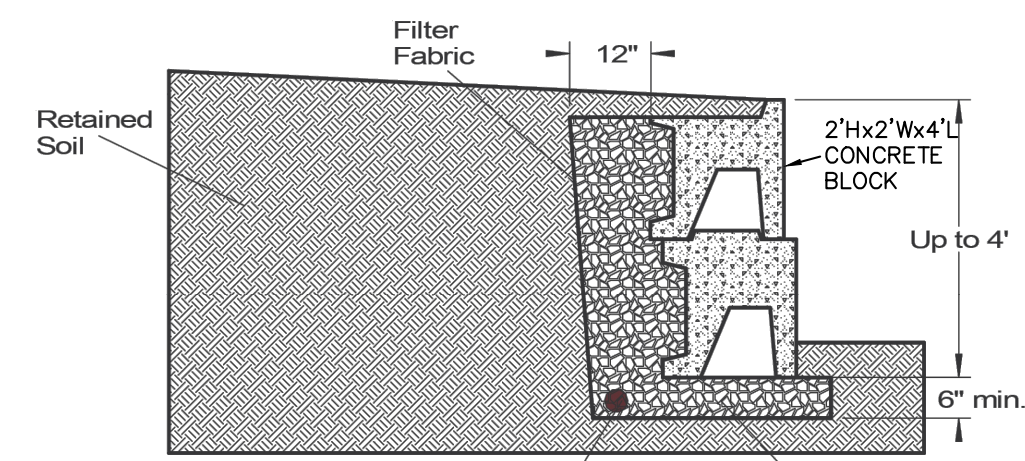


CONCRETE SIDEWALK DETAIL
MS



NOTE
1. CURB SHALL BE CAST IN PLACE. EXPANSION JOINTS OF 1/2\"/>

CONCRETE CURB DETAIL
MS

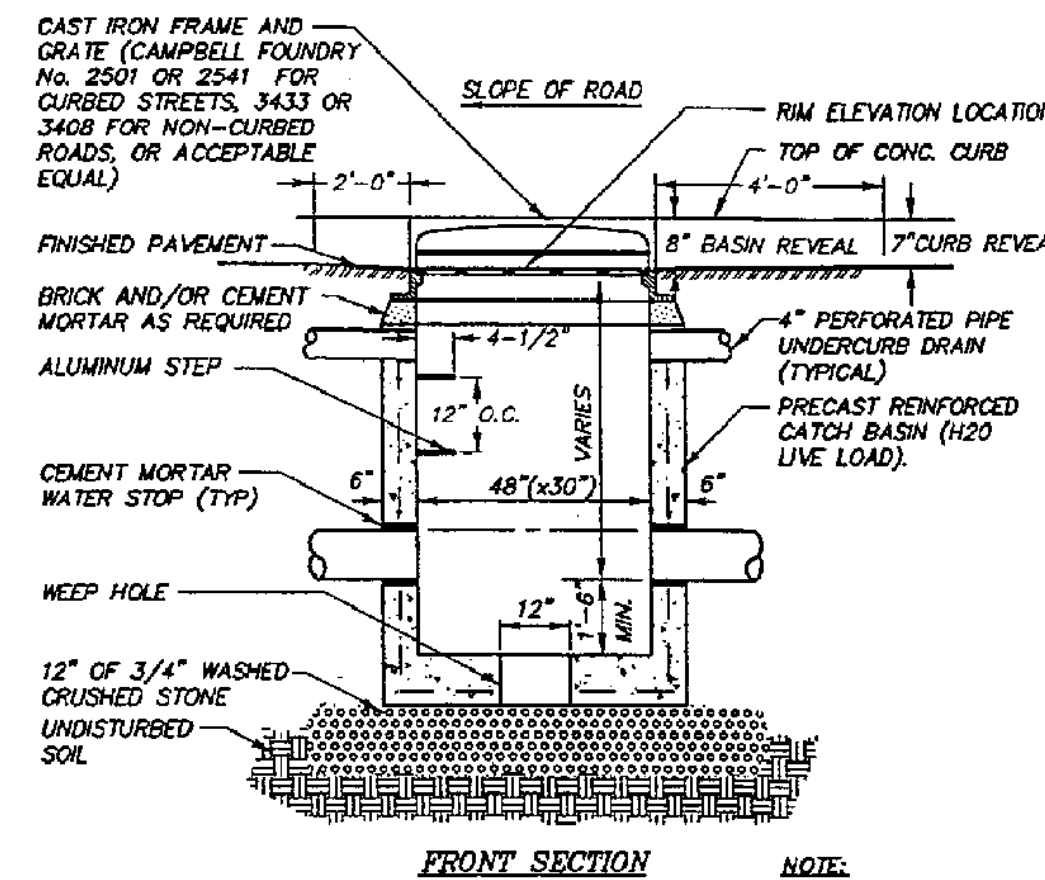
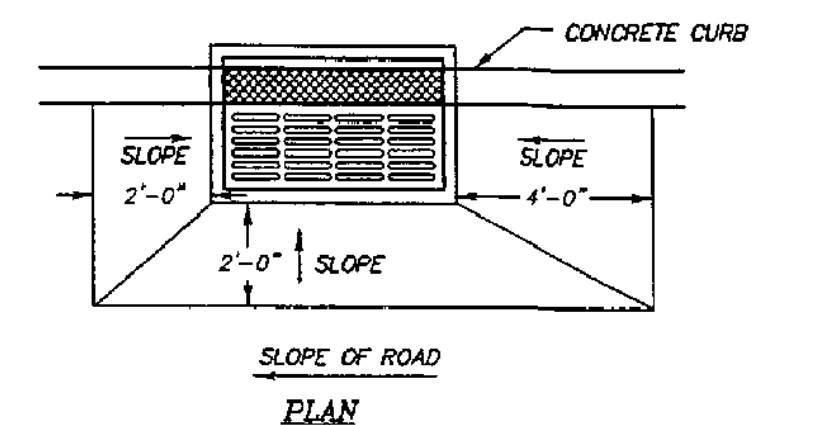


NOTE
1. CONCRETE BLOCKS ARE FROM WOODARDS CONCRETE OR APPROVED EQUIVALENT.
2. 4FT WPC FENCE POLES TO BE ANCHORED ON THE 2'X2'X4' CONCRETE BLOCKS.

Installation:

1. Install leveling pad with drain pipe. Compact to 95% of Maximum Standard Proctor Density (ASTM D698).
2. Install first row of blocks level. For a straight run, use a string line on the inside face. Getting this first course level is critical to making the rest of the job easier.
3. Install drainage stone in 8" lifts, compacting to 95%.
4. Clean the tops of the blocks completely.
5. Set the next course of blocks making sure that they are hitting the back of the knobs on the blocks below. This ensures that ground pressure cannot push them forward any more. The standard offset is two inches but if you want the front face flush, you will need to cut 1-3/4" off the backs of the knobs. To do this, snap a chalk line across the knobs and cut them with a demolition saw equipped with a diamond blade.

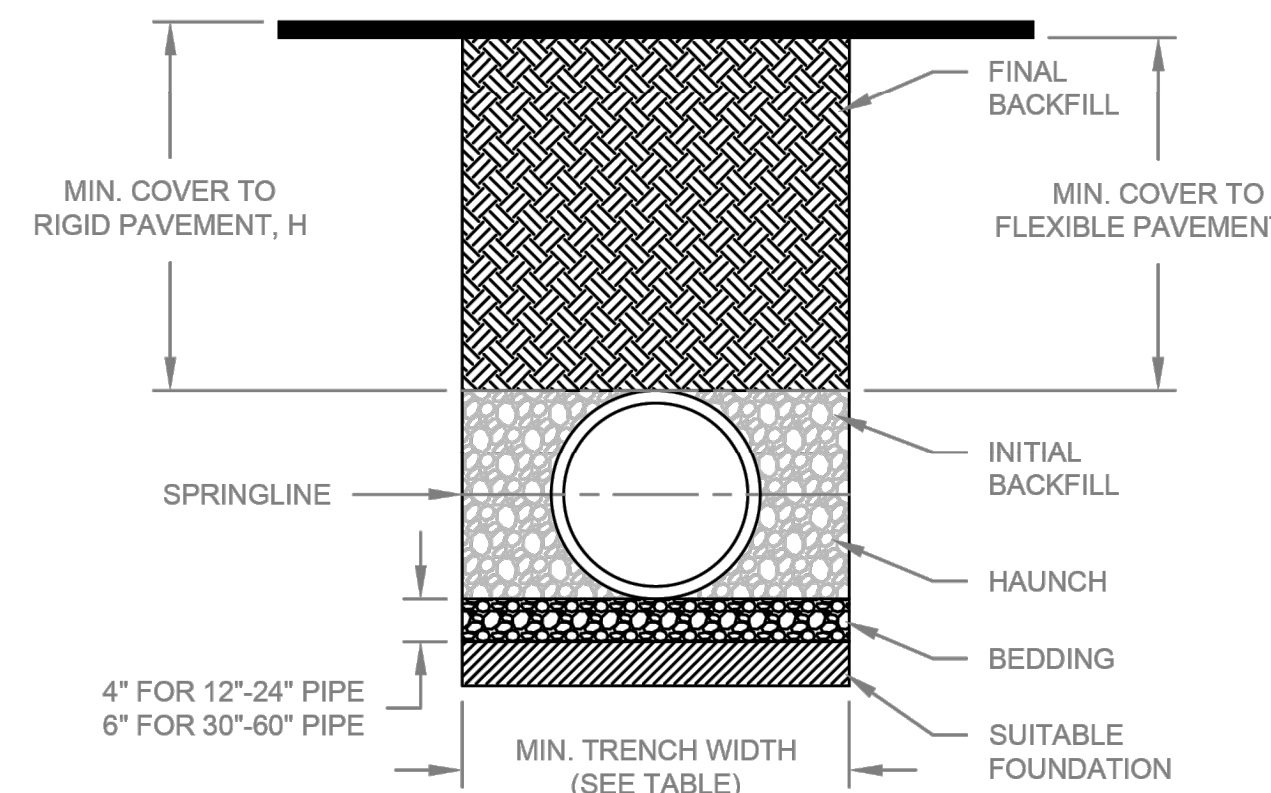
CONCRETE BLOCK RETAINING WALL DETAIL
MS



CONCRETE STRENGTH: 4000 P.S.I. @ 28 DAYS

NOTE:
1. BACKFILL AROUND CATCH BASIN TO BE COMPACTED IN MAX. 8" LIFTS.
2. THE ENDS OF ALL PIPES SHALL BE CUT OFF FLUSH WITH THE INSIDE SURFACE OF CATCH BASIN.

STANDARD CATCH BASIN DETAIL
MS



NOTES:

1. ALL PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS", LATEST ADDITION
2. MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL MATERIAL, WHEN REQUIRED.
3. FOUNDATION: WHERE THE TRENCH BOTTOM IS UNSTABLE, THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL.
4. BEDDING: SUITABLE MATERIAL SHALL BE CLASS I, II OR III. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. UNLESS OTHERWISE NOTED BY THE ENGINEER, MINIMUM BEDDING THICKNESS SHALL BE 4" (100mm) FOR 4"-24" (100mm-600mm); 6" (150mm) FOR 30"-60" (750mm-1500mm).
5. INITIAL BACKFILL: SUITABLE MATERIAL SHALL BE CLASS I, II OR III IN THE PIPE ZONE EXTENDING TO THE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION.
6. MINIMUM COVER: MINIMUM COVER, H, IN NON-TRAFFIC APPLICATIONS (GRASS OR LANDSCAPE AREAS) IS 12" FROM THE TOP OF PIPE TO GROUND SURFACE. ADDITIONAL COVER MAY BE REQUIRED TO PREVENT FLOTATION. FOR TRAFFIC APPLICATIONS, MINIMUM COVER, H, IS 12" UP TO 48" DIAMETER PIPE AND 24" OF COVER FOR 60" DIAMETER PIPE, MEASURED FROM TOP OF PIPE TO BOTTOM OF FLEXIBLE PAVEMENT OR TO TOP OF RIGID PAVEMENT. FOR TRAFFIC APPLICATIONS WITH LESS THAN FOUR FEET OF COVER, EMBEDMENT OF THE PIPE SHALL BE USING ONLY A CLASS I OR CLASS II BACKFILL.

TYPICAL DRAINAGE PIPE TRENCH DETAIL
MS

RECOMMENDED MINIMUM TRENCH WIDTHS

PIPE DIAM.	MIN. TRENCH WIDTH
4" (100mm)	21" (533mm)
6" (150mm)	23" (584mm)
8" (200mm)	26" (660mm)
10" (250mm)	28" (711mm)
12" (300mm)	30" (762mm)
15" (375mm)	34" (864mm)
18" (450mm)	39" (991mm)
24" (600mm)	48" (1219mm)
30" (750mm)	56" (1422mm)
36" (900mm)	64" (1626mm)
42" (1050mm)	72" (1829mm)
48" (1200mm)	80" (2032mm)
60" (1500mm)	96" (2438mm)

MINIMUM RECOMMENDED COVER BASED ON VEHICLE LOADING CONDITIONS**

PIPE DIAM.	SURFACE LIVE LOADING CONDITION	
	H-25 (305mm)	HEAVY CONSTRUCTION (75T AXLE LOAD) * (1219mm)
12" - 48" (300mm - 1200mm)	12" (305mm)	48" (1219mm)
60" (1500mm)	24" (610mm)	60" (1524mm)

* VEHICLES IN EXCESS OF 75T MAY REQUIRE ADDITIONAL COVER
**SEE BACKFILL REQUIREMENTS IN NOTE 6.

MAXIMUM RECOMMENDED COVER BASED ON VEHICLE LOADING CONDITIONS

PIPE DIAM.	CLASS I		CLASS II		CLASS III
	COMPACTED	DUMPED	95%	90%	95%
4" (100mm)	37 (11.3m)	18 (5.5m)	25 (7.6m)	18 (5.5m)	18 (5.5m)
6" (150mm)	44 (13.4m)	20 (6.1m)	29 (8.8m)	20 (6.1m)	21 (6.4m)
8" (200mm)	32 (9.8m)	15 (4.6m)	22 (6.7m)	15 (4.6m)	16 (4.9m)
10" (250mm)	38 (11.6m)	18 (5.5m)	26 (7.9m)	18 (5.5m)	18 (5.5m)
12" (300mm)	35 (10.7m)	17 (5.2m)	24 (7.3m)	17 (5.2m)	17 (5.2m)
15" (375mm)	38 (11.6m)	17 (5.2m)	25 (7.6m)	17 (5.2m)	18 (5.5m)
18" (450mm)	36 (11.0m)	17 (5.2m)	24 (7.3m)	17 (5.2m)	17 (5.2m)
24" (600mm)	28 (8.5m)	13 (4.0m)	20 (6.1m)	13 (4.0m)	14 (4.3m)
30" (750mm)	28 (8.5m)	13 (4.0m)	20 (6.1m)	13 (4.0m)	14 (4.3m)
36" (900mm)	26 (7.9m)	12 (3.7m)	18 (5.5m)	13 (4.0m)	13 (4.0m)
42" (1050mm)	23 (7.0m)	11 (3.4m)	16 (4.9m)	11 (3.4m)	11 (3.4m)
48" (1200mm)	25 (7.6m)	11 (3.4m)	17 (5.2m)	11 (3.4m)	12 (3.7m)
60" (1500mm)	25 (7.6m)	11 (3.4m)	17 (5.2m)	11 (3.4m)	12 (3.7m)

FILL HEIGHT TABLE GENERATED USING AASHTO SECTION 12, LOAD RESISTANCE FACTOR DESIGN (LRFD) PROCEDURE WITH THE FOLLOWING ASSUMPTIONS:
NO HYDROSTATIC PRESSURE,
UNIT WEIGHT OF SOIL (γs) = 120 PCF

UNAUTHORIZED ALTERATION OR ADDITIONS TO A PLAN BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

XUESHAN FENG, P.E.
New York State Lic. No. 098992

DETAILS

4-8 FRANKLIN STREET

CITY OF MIDDLETOWN

ORANGE COUNTY, NY

Revisions

By Date Description

Date : 12/29/2025

Scale: AS SHOWN

Drawn: MP

Checked : XT

Sheet

C-6



APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 4-8 Franklin St & 12-14 Union St

Section 31-1-9.2 & 31-1-14.2 Block Lot Current Zoning District DMU

Building Existing New x

2. Owner of Property Sen Wang

Owner's Address 20 Lewis St

City Otisville State NY Zip 10963

Phone numbers: Home: _____

Business: 646-287-6569

Cell: _____

3. Applicant name Sen Wang

If different from Owner

Applicants Address 20 Lewis St

City Otisville State NY Zip 10963

Phone numbers: Home: _____

Business: 646-287-6569

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 Mixed-Use

Description of what you are requesting: New 5-stories mixed-use building with 38
apartments and 4 commercial storefront(see attached drawings). The existing 3 stories
brick building on the west side will remain.

Uses currently in property: Mixed-Use

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area			0.885 acre
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: Sen Wang

Printed Name and Title: Sen Wang, Owner

Date: 12/19/2025

Short Environmental Assessment Form

Part 1 - Project Information

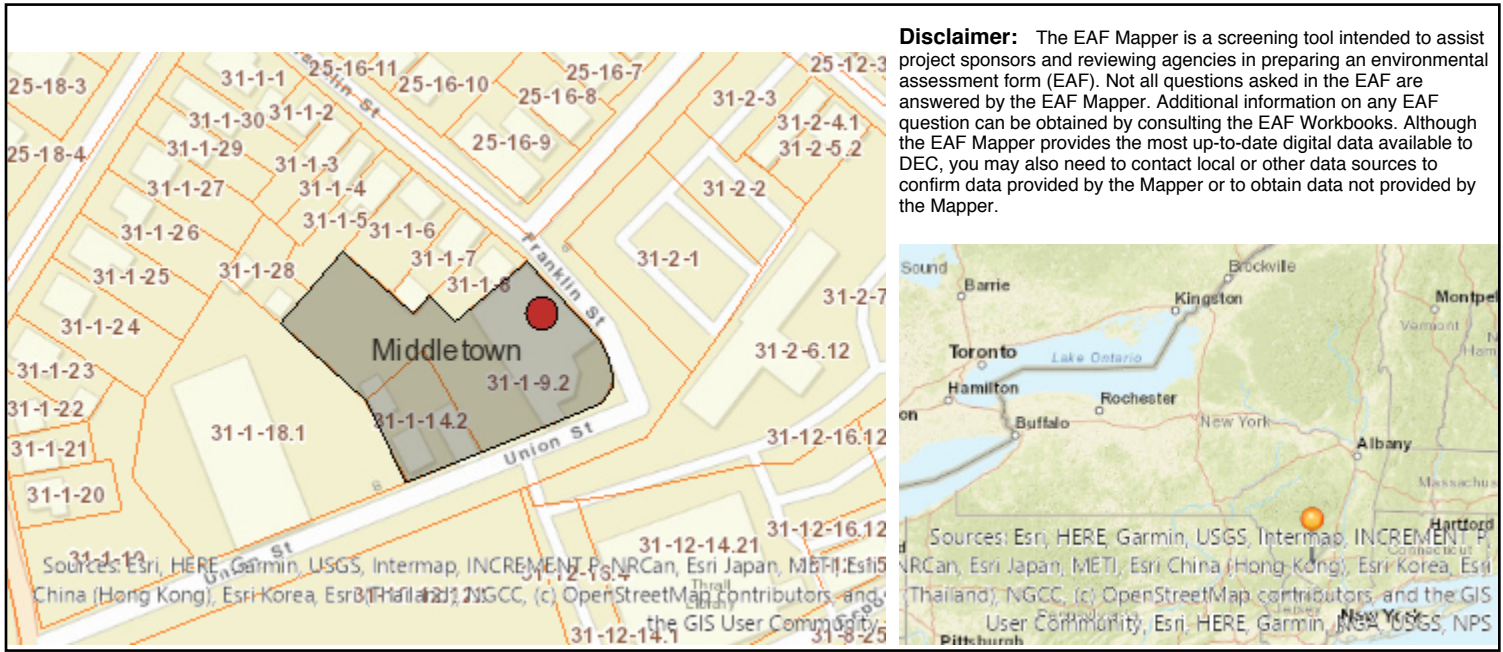
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<u>Part 1 – Project and Sponsor Information</u>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u>		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input type="checkbox"/>
2. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u>		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. <u>Total acreage of the site of the proposed action?</u> _____ acres			
b. <u>Total acreage to be physically disturbed?</u> _____ acres			
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u> _____ acres			
4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u>			
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)			
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u> b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
9. <u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
13. a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u> b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes




NYS Department of Environmental Conservation DER Environmental Remediation Databases

Search Details from Environmental Remediation Databases

Site Record

Document Repository

Site-related documents are available for review through the [DEC Info Locator](#) 

Administrative Information

Site Name: Erie Way Post Office Site

Site Code: V00580

Program: Voluntary Cleanup Program

[Classification](#) : N *

EPA ID Number:

Location

DEC Region: 3

Address: Erie Way, Henry St, Union St. & West Main St.

City: Middletown

Zip: 10940-

County: Orange

Latitude: 41.44692036

Longitude: -74.421606898

Site Type:

Estimated Size: 0 Acres

Hazardous Waste Disposal Period

No Hazardous Waste Disposal information available.

Site Owner(s) and Operator(s)

Current Owner Name: THE CITY OF MIDDLETOWN

Current Owner(s) Address: 16 JAMES ST.

MIDDLETOWN, NY, 10940

Site Document Repository

No Repository Information Available

Site Description

The Erie Way Site is located at Erie Way, Henry Street, Union Street and West Main Street, City of Middletown, Orange County with Tax Map Identifier number(s) Section 31, Block 12, Lots 1 and 12

The Erie Way property consists of approximately 3.6 acres which was first developed as a rail yard in the mid-1800's with most of the onsite buildings constructed in the late 1800's and early 1900's. The Erie Railroad utilized the site as a rail depot until 1983. All remaining appurtenances were removed by 1985 and the rail yard is now vacant and has been used for parking and recreational purposes. The City of Middletown is the current owner of the property.

Environmental concerns at the site originate primarily from spills during diesel fueling operations and the presence of a leaking underground storage tank (UST). The UST was removed by the City of Middletown in 1987. Site investigations conducted in 1999 and 2000 by the City, with oversight from the NYSDEC, identified soil and groundwater contamination in the vicinity of the fueling and UST areas.

Effective February 3, 2003, the City of Middletown entered into a Voluntary Cleanup Agreement (VCA) with the NYSDEC for the Erie Way site. The contemplated use after the cleanup of the Site is anticipated to be restricted commercial use. Plans call for the construction of a Postal facility.

In March 2003, Malcolm Pirnie, the City's consultant, submitted a Site Investigation (SI)

report and a Remedial Action Work Plan (RAWP) report for this site. The Department submitted comments on this work plan on May 15, 2003, however, the City of Middletown never issued a revised submittal. In September 16, 2003, the City indicated that the United States Postal Service (USPS), who had previously expressed an interest in acquiring and developing this property, had not pursued this option as actively as in the past due to a change in its priorities.

On November 19, 2003, the City of Middletown withdrew from the Department's voluntary cleanup program and terminated the VC agreement for the Erie Way Site.

Contaminants of Concern (Including Materials Disposed)

No materials information available.

* Class N Sites: "DEC offers this information with the caution that the amount of information provided for Class N sites is highly variable, not necessarily based on any DEC investigation, sometimes of unknown origin, and sometimes is many years old. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

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

THE FOLLOWING WAS PRESENTED

By: None
 Seconded by: None
 Date of Adoption: January 7, 2026
 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: January 7, 2026

Richard P. McCormack

Negative Declaration for a previously approved application of Promenade Middletown LLC., for the addition of a memory care unit to an existing adult care facility located at 60-78 Fulton Street

On motion of _____ and seconded by _____ that the Planning Board, based upon all the evidence submitted by Promenade Middletown LLC., seeking a site plan amendment and special use permit for the addition of a memory care unit to an existing adult care facility.

The Planning Board makes the following determination with respect to the environmental significance of the proposed project located at _____
60-78 Fulton Street in the City of Middletown, Section 40, Block 6, Lot 1 and 15.

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

Prepared by:

Attachments:

None