

CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
MARCH 6, 2024 7:00 PM
COMMON COUNCIL CHAMBERS
AND VIA DIGITAL TOWN HALL

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

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

1. PLEDGE OF ALLIEGENCE

2. ROLL CALL

3. APPROVAL OF MINUTES

3.1. Accept the Minutes of February 7, 2024

4. NEW BUSINESS

Approval of an Expanded Liquor License for 9 King Street

Approval of a Special Use Permit and Site Plan for a Beauty Salon at 130 Wickham Avenue

Approval of a Special Use Permit and Site Plan for a Spa at 11 Center Street

5. PRELIMINARY HEARING(S)

Preliminary Hearing - Special Use Permit and Site Plan for O'Reilly Auto Parts store at 183 Dolson Avenue

6. ADJOURNMENT



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

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: March 6, 2024
Resolution Number

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

Accept the Minutes of February 7, 2024

Prepared by:

Attachments:

1.	02-07-24
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**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

February 7, 2024

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on February 7, 2024 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

Members Absent: Nicole Hewson, Dan Higbie.

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

The Pledge of Allegiance was said.

Motion to approve the January 3, 2024 minutes by Mr. Britto, seconded by Ms. Witt.

Motion passed. Minutes approved.

Mr. Capozella pointed out that all first-time applicant appearances are considered a preliminary hearing and the Planning Board may or may not chose to act or vote on those applications tonight.

**Bell Flavors & Fragrances
12 Sprague Avenue
1-year extension**

Mr. Capozella: I must recuse myself. I am an employee of Bell Flavors & Fragrances. This evening Mr. Madden has graciously volunteered to be the temporary Chairman for this vote. Mr. Madden.

Mr. Croughan: And just for the record, we do have a quorum with you recusing yourself, so we can take a vote.

Mr. Madden: Before us tonight we have Resolution #02-07-24-01 from Bell Flavors for a 1-year extension of their approval from January 4th, 2023.

Mr. Britto: This is the first extension request?

Mr. Croughan: That is correct.

Motion to approve Resolution #02-07-24-01 by Mr. McCormack, seconded by Mr. Britto.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt.

Rakesh Nayak
28 North Street
6-month extension (eating and drinking establishment)

Mr. Britto: Not to sound like a broken record, but this is their first request?

Mr. Capozella: This is their first one.

Mr. Britto: Thank you.

Mr. Capozella: We have others that are looking for the record.

Mr. Britto: Okay.

Motion to approve Resolution #02-07-24-02 by Mr. Britto, seconded by Ms. Witt.

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

Middletown Plaza Holdings, LLC
144-146 Dolson Avenue Rear
Planet Fitness

Mr. Capozella: State your name for the record.

Mr. Jacobov: Ariel Jacobov.

Mr. Capozella: And what is your intention, sir?

Mr. Jacobov: The property at Dolson Avenue, the shopping center, the plan was to split up the big box space from the flea market, which part of it will remain a flea market, but about 18,000 sq.ft. will be utilized as a gym for Planet Fitness.

Mr. Capozella: Okay. Great. 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.

The public hearing was opened.

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

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No.

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

All right. I'll go to the Board for any comments, questions, or concerns. Anyone? Mr. Madden.

Mr. Madden: Can you just kind of talk us through the site plan, where your space is in the strip mall? It's very difficult to read with the diagrams we were given.

Mr. Jacobov: For some reason, I don't have a copy. I know we had eight mailings, but -- the attorney has it.

Okay. So do you see the gray shaded area on the left on the blueprint, I

guess, if we're looking at the same -- it should be page --

Mr. Croughan: Gene, do you have blowups over there?

Gene: I don't have blowups. No. We don't have blowups other than what's been provided to the Board already.

Mr. Jacobov: It's Exhibit A-100 of the floor plans -- the building plans. A-100; right? That's what I have it under.

So are we referring to the site plan itself or the actual property layout?

Mr. Croughan: Well, why don't you go through everything for the Board?

Mr. Jacobov: Okay. So start with the first page. So if we're looking at T-101, which is the main page of the layout, to the left, this gratiated area is the existing flea market where it says adjacent tenant, and next to that will be the gym with their specific layout.

This big box has several tenants -- would have several tenants now. One would be Ferguson Plumbing, which is all the way to the left. It's not shown on this plan. Then the gray area, which is the existing flea market, and then the new 18,000 sq.ft. space, which would be Planet Fitness.

As far as like the -- the building's not being extended or anything. It's just the existing building that's just being split up we'll call it into additional units, so we'll have one more additional unit.

Mr. Capozella: Are you replacing Ferguson?

Mr. Jacobov: No. No, no, no. Ferguson's staying. They're all the way to the left.

Mr. Croughan: Dave, do you know where they're talking about?

Mr. Madden: I find this site plan difficult to comprehend. It looks like it's in the corner, caddy corner to the new warehouse space that's being built?

Mr. Jacobov: No.

Mr. Capozella: No.

Mr. Jacobov: Do you know where Family Dollar is and TD Bank on that part of the plaza?

Mr. Madden: Yes.

Mr. Jacobov: Okay. So that's like an L-shape part of that plaza, so the big part where Ferguson in, that's the space we're referring to, so that space is basically being split into another retail space that would have the gym.

Mr. Croughan: You got it, Dave?

Mr. Madden: Yes. Thank you.

Mr. Jacobov: We hope it's, you know, going to revitalize the area, the shopping center, and, you know, attract a lot of new customers.

Mr. Capozella: Mr. Martinez, have you had a chance to look at this?

Mr. Martinez: I personally have not. Walter I'm sure has.

Mr. Capozella: Okay. Mr. Adkins?

Mr. Adkins: Yeah. I've looked at it. I've been there a few times, so -- Walter and I were actually there today too, so --

Mr. Capozella: Oh, okay. All right.

Mr. Adkins: No issues.

Mr. Capozella: Okay.

Mr. Adkins: Fully sprinkled, full fire alarm, so --

Mr. Capozella: All right.

Mr. Adkins: Anything else will be covered in the permitting.

Mr. Capozella: Thank you.

Mr. Jacobov: We also have someone here from Planet Fitness if you have any questions specifically for them as far as their operation is concerned.

Mr. Capozella: You might want to go over that because it seems like you're open not quite 24 hours a day? You're shut down for like two hours a day for whatever

purpose that may be.

Mr. Croughan: Just come up to the mic. Name, please.

Mr. Capozella: State your name.

Ms. Pagan: Yup. My name is Cara Pagan. I'm a Senior Director of Club Development for Planet Fitness.

Mr. Capozella: Okay. Great.

Ms. Pagan: We are open 24 hours Monday through Friday, so we open Monday at 12:00 a.m. all the way straight through till Friday at 10:00p.m., and then on Saturday and Sunday, we're open 7:00 a.m. to 7:00 p.m. Those are our standard hours.

Mr. Capozella: So it is 24 hours a day.

Ms. Pagan: Yup. During the week.

Mr. Capozella: Monday through Friday.

Ms. Pagan: Yes. Monday through Friday.

Mr. Madden: That's not what it states in the application, so we'll have to make an adjustment to that?

Mr. Capozella: Well, we have to check the resolution because I believe the resolution does not state that.

Ms. Pagan: Is it the extended weekend hours, 6:00 a.m. to 9:00 p.m.?

Mr. McCormack: No. When you guys provided the hours, it was different. This location they said would be different on the resolution.

Mr. Croughan: Do we have the application?

Mr. Capozella: We have the application, but more importantly, I have the resolution.

Ms. Pagan: Those are our standard hours for -- yeah. Yes. Yes.

Mr. McCormack: No. In the application, I think it's in the wrong spot. It should say Monday, 12:00 a.m. to Friday at 10:00 p.m.

Ms. Pagan: Oh, okay. Maybe they just put it wrong.

Mr. McCormack: It's just listed wrong. It's not Monday to Friday, 12:00 to 10:00 p.m., so we just need to move -- it should say Monday -- 12:00 a.m. to Friday -- 10:00 p.m.

Mr. Capozella: Can I read what the resolution says, or are you reading the resolution? I'm sorry.

Mr. McCormack: That's what we're reading so we can make a motion to amend the resolution.

Mr. Capozella: So, yeah. Monday through Friday, 12:00 a.m. to 10:00 p.m. Saturday, Sunday --

Mr. McCormack: No. Monday, 12:00 a.m.

Mr. Capozella: Right.

Mr. McCormack: Till Friday at 10:00 p.m. So it'll be open 24 hours consecutively beginning at midnight on Monday, and then closed Friday at 10:00 p.m.

Mr. Croughan: Not each day.

Mr. Capozella: Not Monday through Friday.

Mr. McCormack: Right. It's just the hyphen in the Friday is in the wrong spot.

Mr. Capozella: Ah ha.

Ms. Pagan: I understand. Yeah. Okay. But yes, 24 hours straight through the week so we don't close during the week until Friday at 10:00 p.m.

Mr. Capozella: Okay. So we'll have to amend that section of the resolution.

Mr. Croughan: Do we have Saturday and Sunday correct?

Mr. Capozella: Saturday and Sunday, I have 7:00 a.m. to 7:00 p.m.

Ms. Pagan: Correct.

Mr. Capozella: That's correct.

Ms. Pagan: Yes.

Mr. Capozella: Even though we left a zero out of 7:00 a.m., I think we understand that.

Okay. We'll have to finish before we get to the resolution; all right?

Anyone else from the public wishing to address this application, please step forward.

I need a motion to close the public hearing.

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

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

The public hearing was closed.

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

All right. So now, before we vote on the official resolution, we need to call for an amendment. I have to state the amendment first before we make the motion.

Mr. McCormack: You have to make a motion, well, you should ask for a motion to amend the agenda to modify the time.

Mr. Capozella: Okay. I need a motion to amend the resolution.

Amendment will read hours of operation are Monday, 12:00 a.m., through Friday till 10:00 p.m. Saturday, Sunday, 7:00 a.m. to 7:00 p.m. Agreed? Any further discussion on that?

Motion to amend resolution by Mr. Madden, seconded by Mr. Britto.

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

Motion to accept the amendment by Mr. Britto, seconded by Ms. Witt.

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

Motion to approve Amended Resolution #02-07-24-07 by Mr. Britto, seconded by Mr. McCormack.

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

Sadi Chan
211 Monhagen Avenue
Retail gift shop (1st floor)

Mr. Capozella: Good evening.

Ms. Chan: Hi. Good evening.

Mr. Capozella: Okay. State your name for the record.

Ms. Chan: Sadi Chan.

Mr. Capozella: And what's your intentions? What do you plan on doing?

Ms. Chan: So the building used to be a restaurant, and she wants to transform it into a Japanese style gift shop.

Mr. Capozella: Okay.

Ms. Chan: I want to sell more kids' stuff and traditional stuff -- she's going to sell, you know, Japanese style things that students -- because there's a school very close to it, so she hopes to enrich the students over there.

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

Ms. Tu: Yes, we do.

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

The public hearing was opened.

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

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one on the telephone.

Mr. Capozella: Anyone present wishing to step forward and comment on this application?

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

Mr. Madden: Do you plan on serving any food?

Ms. Chan: Coffee and maybe snacks.

Mr. Capozella: Okay. Any other questions? I guess it's what we've been dealing with. Everything is complimentary, coffee, and I take it the food will be packaged food? There will be no cooking?

Ms. Chan: Packaged food.

Mr. Capozella: Yeah. No cooking on the premise.

Ms. Chan: No cooking. No cooking. Yeah.

Mr. Capozella: Any other questions from the Board?

Mr. Madden: She didn't say that the coffee was complimentary.

Mr. Capozella: Oh. We can ask her.

Mr. Madden: Is this coffee being sold? You're brewing coffee and selling coffee like a coffee shop?

Ms. Chan: Not really like a coffee shop coffee, but just something for people to drink, so like she's going to keep the price to \$1.00, around \$1.00. The main shop is gift shop.

Ms. Witt: So you had mentioned that you're also going to be doing makeup, and so you're doing a variety of services and products that you're selling then.

Ms. Chan: Yes. Japanese makeup also including (inaudible).

Ms. Witt: But there's also going to be food as well as drinks also too.

Ms. Chan: Yes. Yes. (Inaudible).

Mr. Capozella: Is your concern about the makeup?

Ms. Witt: Well, typically, you know, when you're dealing with something that's, you know, hypoallergenic, you know, like if you went to a pharmacy, everything is packaged. Are you going to be trying this makeup on someone? Like to see how they look or -- normally there's not a mix of food and, you know, makeup is not in the same area, so that's my concern.

Ms. Capozella: So are we selling makeup or are we applying makeup?

Ms. Chan: Yes. They can try it on my store, the makeup. Yeah. It's safe. It's from Japanese.

Ms. Witt: That's not my concern. My concern is is that there's going to be -- the makeup will be open, right, and then you're also going to have food as well as drink in the same premise. Typically those two things don't mix because of hygiene.

Ms. Chan: Gotchu. Gotchu.

Ms. Witt: That's my question.

Ms. Chan: Gotchu. Gotchu. I think I can don't sell the coffee, and if I sell coffee, just for people, the winter, it'll be cold, you know, so I want somebody to come in and get the hot water like, so if you're concerned about the makeup and the coffee will mix, then I won't sell the hot coffee. I can sell something, just a drink.

Ms. Witt: Like canned.

Ms. Chan: Yeah. Like a -- yeah. Like a package.

Mr. Capozella: Let me see if I can clarify this. The application reads selling gifts, we understand, and makeup. That to me means you're selling makeup, not applying makeup. There's no mention in here of coffee, anything. Food and drink. Nothing mentioned; okay?

So I'm prepared to vote on your retail gift store. Gifts, selling gifts, and selling makeup. Complimentary coffee is fine. No charge for food or drink because that's not what you came here for; okay?

Ms. Chan: Gotchu.

Mr. Capozella: And that's what we're here to vote on this evening is the application before us. So when we read this off or this resolution is read to you, I just want you to understand you will not be selling coffee or food. You will not be applying makeup. You'll be selling makeup and gifts; okay?

Ms. Chan: Got it. Got it.

Mr. Capozella: Okay? Because then you end up in a different classification. That's not what you asked for; okay?

Ms. Chan: Thank you.

Mr. Capozella: Do you understand that?

Ms. Chan: I understand it. Yeah.

Mr. Capozella: Okay. That's fine. Is the Board okay with that? I'm trying to follow what they've applied for.

Ms. Witt: Yes.

Mr. Capozella: Okay? Any other questions from the Board?

Mr. Croughan: Theron, any concerns?

Mr. Adkins: No.

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

Mr. Martinez: No.

Mr. Croughan: Thank you.

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

Ms. Chan: I have a question.

Mr. Capozella: Sure.

Ms. Chan: So can she sell like snacks that's closed, packaged, or no?

Mr. Capozella: No.

Ms. Chan: No. Okay.

Mr. Capozella: She didn't apply for that. We would've had a different discussion with her at the time when we read the application.

Ms. Chan: So no snacks, no food, just --

Mr. Capozella: No selling. No selling of the snacks or food.

Ms. Chan: And then complimentary coffee is okay.

Mr. Capozella: That's fine. Yup. We understand you want to give your customers.

Mr. Croughan: Warm them up.

Mr. Capozella: Warm them up on a cold day.

Mr. Britto: If she wanted to sell food, she would have to come back here.

Mr. Capozella: Well, then she becomes an eating and drinking establishment, and then we have to view it differently.

Mr. Britto: Different rules.

Mr. McCormack: Can I ask a question?

Mr. Capozella: Sure.

Mr. McCormack: If she's selling prepackaged food like any other retail store would, like a candy bar, that's still a retail establishment, that's not an eating and drinking; correct?

Mr. Capozella: That is correct.

Mr. McCormack: Okay. I just wanted to clarify that.

Mr. Capozella: Yeah, I know, because the Code Enforcement guy will go in there, and all they're doing is just selling candy bars or something of that nature.

Mr. McCormack: Yeah. Prepackaged stuff like --

Mr. Capozella: I guess we're just trying to make sure we make a point that it didn't come to us that way and we want to make sure we hold the line.

Ms. Chan: So can she sell prepackaged, like Japanese candies?

Mr. Capozella: Japanese candies or something like that? Sure. Prepackaged food.

Ms. Chan: As long as they don't open it in the store.

Mr. Capozella: Correct. There's a fine line we have to follow unfortunately.
Okay. I need a motion to close the public hearing.

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

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

The public hearing was closed.

Mr. Capozella: One more time with the Board, any questions, comments, or concerns?

Motion to approve Resolution #02-07-24-04 by Mr. Britto, seconded by Mr. Madden.

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

Fa Yuan, Inc.
23 Center Street
Place of assembly with accessory book sale

Ms. Lu: Good evening, everyone. My name is Janice Lu. My colleague, Howard. We are both working in Fa Yuan bookstore, and we want to apply the permission for offering free lectures and exercise in this bookstore.

Let me just say a few words about this.

Mr. Capozella: Sure.

Ms. Lu: Fa Yuan bookstore is a not-for-profit bookstore. We sell books and the related products, and also we offer spiritual practice known as Falun Dafa, and we wish to apply offering the free lectures and exercise.

Falun Dafa is an ancient spiritual with meditation, exercise, and also teaching, moral teaching on virtues of truthfulness, compassion, and tolerance. Many people have benefitted from this powerful exercise, and they gain better health and spiritual growth.

So we wish to offer this, offer the free lectures, to help more people to gain good health and better spiritual growth. The lectures will be on an irregular basis depending on the number of applicants, so that's the purpose of our application.

Mr. Capozella: Okay. Thank you.

Ms. Lu: Thank you.

Mr. Croughan: Do we have hours of operation?

Mr. Capozella: Did you read the resolution?

Mr. Croughan: I did.

Mr. Capozella: Do we have it?

Mr. Croughan: But are we confirming with the applicant the hours?

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

Ms. Lu: Yes. The bookstore opens from Monday to Saturday, 8:00 a.m. to 10:00 p.m.

Mr. Croughan: Thank you.

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

Ms. Tu: Yes, we do.

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

The public hearing was opened.

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

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one on the phone.

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

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

Mr. Croughan: Theron?

Mr. Adkins: Yes. The second floor, that's going to maintain the video shooting studio, and the other -- is that Comedia Group or whoever -- I'm not sure who's on the second floor. That's going to stay on the second floor?

Ms. Lu: We are on the first floor.

Mr. Adkins: You're on the first floor. Video shooting on the second floor.

Ms. Lu: Yes.

Mr. Adkins: And then there's apartments there; right?

Ms. Lu: I think so on the third floor.

Mr. Adkins: And then there's apartments there. Okay.

Ms. Lu: Yes.

Mr. Adkins: All right. So we've got to make sure that, you know, we do a proper inspection and everything before you guys open, okay, and I'll give you the paperwork on that.

Ms. Lu: Okay. Thank you.

Mr. Capozella: Okay. So we're okay? Just follow the normal procedure for inspections.

Mr. Adkins: Yeah. I just wasn't sure if the video shooting was staying or not.

Mr. Capozella: Okay. She's just applied for the first floor that we know of.

Mr. Adkins: Right.

Mr. Capozella: Okay. All right. Back to the public for questions. Anyone wishing to comment on the application, please step forward.

I'm going to close the public hearing. I need a motion to close the public hearing.

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

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

The public hearing was closed.

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

Motion to approve Resolution #02-07-24-03 by Ms. Witt, seconded by Mr. McCormack.

Roll Call Ayes: David Madden, Richard McCormack, Andy Britto, Gretchen Witt.
Mr. Capozella:

55 North Street, Inc.
55 North Street
Art gallery

Mr. DeGraw: Brock DeGraw.

Mr. Capozella: And what's your intention, Mr. DeGraw?

Mr. DeGraw: I'm representing the client, and the intention there is to take a current business use space, two floors, the basement level and the first floor, and convert it to an art gallery, so it would be changing the use of the space, and that's about it.

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

Ms. Tu: Yes, we do.

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

The public hearing was opened.

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

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one on the phone.

Mr. Capozella: Anyone present wishing to step forward and comment on this application?

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

Mr. McCormack: Will you be serving food or drink?

Mr. DeGraw: No. Nothing would be sold food or drink-wise. There may be complimentary beverages in a certain gallery opening, but nothing besides that.

Mr. Capozella: Okay. Mr. Madden?

Mr. Madden: Just for clarification, the application and the resolution have different hours of operation, different days of operation.

Mr. DeGraw: I noticed that on the resolution. The correct hours, I spoke with my client today, would be Friday and Saturday, 12:00 p.m. to 7:00 p.m.

Mr. Capozella: Okay. I'm going to open up your resolution.

Mr. Madden: Which that is also different from the application.

Mr. DeGraw: I apologize.

Mr. Capozella: And what would you like them to be?

Mr. DeGraw: Friday and Saturday, 12:00 p.m. to 7:00 p.m.

Mr. Britto: Do we want to suggest that they're larger than that in case he wants to -- if you want to be open on other days, you'd have to come back.

Mr. Croughan: Well, the applicant did say he spoke to his client today, and that's what they want the hours to be.

Mr. Britto: Correct. My apologies.

Mr. Capozella: That's all right.

Mr. Britto: I guess a general question would be if they said more hours and then decided not to go with that, would that be a future issue?

Mr. Capozella: No. That's fine. Less hours, as Mr. Britto is trying to tell you, if you wanted to do it Friday, Saturday, and Sunday and give us hours, that'd be fine. If you never use those hours, that's fine.

Mr. DeGraw: If that's the case, I'd like to request Thursday through Sundays, 12:00 to 7:00, and then if they use less --

Mr. Capozella: Thursday through Sunday.

Mr. DeGraw: I think that makes more sense than --

Mr. Capozella: 12:00 p.m. to 7:00 p.m.?

Mr. DeGraw: Yes.

Mr. Capozella: Yeah. If we're going to make an amendment, we might as well make it a good one. I need a motion to amend this resolution.

Mr. Croughan: Well, before we get to that, Theron?

Mr. Adkins: I have no issues. We've talked about --

Mr. Croughan: And the basement?

Mr. Adkins: And the basement and all that stuff.

Mr. Croughan: And the Building Department is fine with that?

Mr. Martinez: Yeah. I haven't looked at it myself, but --

Mr. Adkins: Walter and I talked today about it, so we're aware that it's a basement, but it's an existing finished basement, and it's an existing building, so -- and we've gotten letters from engineers and licensed architects stating that they're abiding by the codes. We're okay with it.

Mr. Croughan: Thank you.

Mr. Capozella: As we have stated in the resolution. Okay.

Mr. Martinez: The building is fully sprinklered, so it's -- it's been utilized as a business type space in the basement prior, so --

Motion to amend resolution by Mr. Britto, seconded by Mr. Madden.

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

Mr. Capozella: The amendment will be -- the hours of operation will be Thursday through Sunday, 12:00 p.m. to 7:00 p.m., and I need a motion.

Motion to accept amendment by Mr. Madden, seconded by Ms. Witt.

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

Mr. Capozella: Let's close the public hearing.

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

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

The public hearing was closed.

Motion to approve Amended Resolution #02-07-24-06 by Mr. Madden, seconded by Mr. McCormack.

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

David Soto
9-13 Mulberry Street
Eating and drinking establishment.

Mr. Soto: Good afternoon. How are you? I'm doing good. I'm Pastor David Soto from New Beginnings House of Worship, 9-13 Mulberry Street, and the reason I'm here is to request use of the church, a certain part of it that leads to the parking lot. It has a ramp. It has handicapped accessibility. It has a built-in area to load and unload trucks if, you know, we have to bring merchandise in, things like that, out of the parking lot.

Already the church has pretty much everything that I would need to do this. I looked it over a few times, and it has a kitchen. It has the room. It has the accessibility. I don't know what else it would need except for maybe a hood or something like that or some adjustments.

As far as the building, nothing is going to be changed. No walls are going to come down. No walls are going to go up. Nothing like that. It's more like just

cosmetic, you know, paint, lights, furniture, refrigerators. It's all really ready to go.

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

Ms. Tu: Yes, we do.

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

The public hearing was opened.

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

Ms. Tu: Nothing in writing.

Mr. Capozella: Anyone on the telephone?

Ms. Tu: No one on the phone.

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

Okay. I'll go to the Board for any questions, comments, or concerns.
Nothing? Okay.

Mr. Croughan: Theron, any concerns?

Mr. Adkins: I don't have any concerns. I mean, obviously as we get deeper into it, you know, we'll have to address the cooking hood situation and stuff like that, but no concerns now.

Mr. Croughan: Sixto, any?

Mr. Martinez: No, sir.

Mr. Capozella: The item that you mentioned about the hood and everything else will be determined by those two gentlemen right there.

Mr. Soto: Okay.

Mr. Capozella: Okay? Yes, Ms. Witt.

Ms. Witt: Can we just verify your hours of operation? You're serving breakfast

and lunch you said? 8:00 a.m. to 4:00?

Mr. Soto: So I was just talking to my wife and listening to everybody, you know, talk, and all the amendments and all that; right? I'm saying to myself, wait a minute, I should've --

Ms. Witt: You were paying attention. Good job.

Mr. Soto: Yeah. I was listening. We were taking down notes. You know, usually breakfast is early, 6:00, you know, something like that, and lunch usually gets finished around 2:00 or something like that, you know, 2:00 or 3:00, so if we could just amend the starting point. I don't know how much longer we, you know, I just don't want to have to come back; right? I'm not saying we're going to be open all those hours because right now we're just starting. Everybody's volunteering. But if we were to be able to get, generate, you know, people that want the food and people that are willing to stay a little longer, I'd hate to, you know, not be able to do that. So I don't know if there's any way we can amend that today and give us, you know, the 6:00 to maybe, you know, 7:00.

Mr. Capozella: My kneejerk is no, but yes. You can amend your hours.

Mr. Soto: 6:00 to 7:00 or something like that. I mean, we don't plan to be there all night, not like that, but --

Mr. Capozella: Give it a shot. What do you want to do?

Mr. Soto: I want to do 6:00 to 7:00 p.m. 6:00 a.m. to 7:00 p.m.

Mr. Capozella: Monday through Sunday?

Mr. Soto: So we do Monday through Sunday.

Mr. Capozella: Daily.

Mr. Soto: Yes. Daily.

Mr. Capozella: Daily 6:00 a.m. to 7:00 p.m.

Mr. Soto: Correct.

Mr. Capozella: Okay. Here we go. Yes, Mr. Madden. Make a motion. Make a

motion to amend.

Motion to amend resolution by Mr. Madden, seconded by Mr. Britto.

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

The amendment will be hours of operation will be daily, 6:00 a.m. to 7:00 p.m.

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

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

The public hearing was closed.

Motion to accept the amendment by Mr. Madden, seconded by Mr. Britto.

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

Mr. Madden: Is this a food service that you're selling food like a restaurant, or are you providing food for the community like --

Mr. Soto: It's to sell.

Mr. Madden: You're selling.

Mr. Soto: Yes. To raise funds for our church and for other events and activities in the community and things like that.

Mr. Madden: Okay. Thank you.

Mr. Capozella: It's a good point. In the resolution there's a statement that this gentleman has already met with our tax assessor. He understands the ramifications

of his luncheonette. If it becomes profitable and he doesn't do as he stated in his application for charitable needs, his assessment will change and his status as a church will change. Right, Mr. Soto?

Mr. Soto: Yes, sir.

Mr. Capozella: Okay. All right. Anything else, Mr. Madden? Is that okay?

Mr. Madden: I'm good.

Mr. Capozella: Everybody got it? All right.

Motion to approve Amended Resolution #02-07-24-05 by Mr. Britto, seconded by Mr. McCormack.

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

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

Naseem Fatima
79 Fulton Street
Mixed use

135 North Street, Inc.
135 North Street
Mixed use commercial/residential

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

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

Adjourned 8:15 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: March 6, 2024
Resolution Number

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

Approval of an Expanded Liquor License for 9 King Street

WHEREAS, WHEREAS, Marco Naula, who previously filed for a restaurant with wine and beer sales and was approved now has filed an application with the Planning Board of the City of Middletown seeking a special use permit and site plan approval in order to serve wine, beer, liquor and cider in accordance with and comply with the SLA regulations under OP 252, at an existing restaurant called Sugar Shack, located at 9 King Street, Middletown, Section 31, Block 8, Lot 16, located in the DMU Zone is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on March 6, 2024 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and all testimony has been carefully considered.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Middletown hereby approves the application of Marco Naula, for a special use permit and site plan approval in order to serve wine, beer, liquor and cider in accordance with and comply with the SLA regulations under OP 252 at an existing restaurant located at 9 King Street, Middletown. Hours of operation are 9:00 a.m. to 11:00 p.m. daily.

SUBJECT TO: City of Middletown DPW and City of Middletown Fire Department inspections

and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if applicable.

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

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

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

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

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

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

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

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

Filed with the Clerk of the City of Middletown
on: 03/08/2024

Richard P. McCormack
City Clerk

Prepared by:

Attachments:

1.	9 king-003
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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 1/19/24

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 9 King St Middletown N-10940

Section 31 Block 8 Lot 16

Current Zoning District _____

Building _____

Existing ☒

New _____

2. Owner of Property Marco Navla

Owner's Address 1241 Ridgebury Rd

City New Hampton State N-1 Zip 10958

Phone numbers: Home: _____

Business: _____

Cell: 646-299-3492

3. Applicant name _____

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

Fax: _____

Answer 4, 5 or 6

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

Section # _____

Classification of Occupancy requested Restaurant Operation Hours

Description of what you are requesting: Looking to extend hours
of operation for the Restaurant. From
9am to 11pm Monday to Sunday

Uses currently in property: also will be seeking Full liquor
as soon as we have it the application
for the full liquor license with seat

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

Answer this section only for multiple dwellings

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

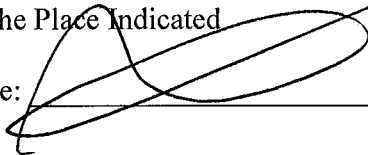
5. **Nonconforming Use.** In the area provided, list each use for which an expansion is sought and the reason therefore. State the current use and all conditions that presently exist and those

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

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

7. Sign at the Place Indicated

Signature: _____

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke.

Printed Name and Title: Marcelo Paula Cesar

Date: 1/19/24



CITY OF MIDDLETOWN, NEW YORK PLANNING BOARD RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: March 6, 2024
Resolution Number

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

Approval of a Special Use Permit and Site Plan for a Beauty Salon at 130 Wickham Avenue

WHEREAS, Rosa Mosqueda, filed an application with the Planning Board of the City of Middletown seeking a special use permit and site plan approval for a beauty salon offering body sculpting (non-invasive), hair, lashes, skin care and nails located at 130 Wickham Avenue, Middletown, Section 26, Block 2, Lot 3, located in the C-2 Zone is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on March 6, 2024 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and all testimony has been carefully considered.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Middletown hereby approves the application of Rosa Mosqueda, for a special use permit and site plan approval for beauty salon offering body sculpting (non-invasive), hair, lashes, skin care and nails located at 130 Wickham Avenue, Middletown. Applicant and any employees performing beauty salon procedures must possess and display NYS licenses, if applicable.

Hours of operation are 9:00 a.m. to 10:00 p.m. Monday through Saturday, closed on Sunday.

SUBJECT TO: City of Middletown DPW and City of Middletown Fire Department inspections

and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if applicable.

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

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

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

WHEREAS, 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.

Filed with the Clerk of the City of Middletown
on: 03/08/2024

Richard P. McCormack
City Clerk

Prepared by:

Attachments:

1.	130 wickham-011
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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 130 Wickham Avenue.

Section 26 Block 2 Lot 3 Current Zoning District C2

Building Existing X New _____

2. Owner of Property Yanfang Lin

Owner's Address 13 Howard Drive

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: 917-513-4358

Cell: _____

3. Applicant name Rosa Mosqueda.

If different from Owner

Applicants Address 102 Academy Ave.

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 845-421-1813

Fax: _____

Days of Operation:
Mon - Sat - 9am - 10pm.
Sunday - Closed.

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: Beauty Salon

Body Sculpting (non invasive) , Hair,
Lashes, Skin Care, Nails.

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 _____

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

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

N/A

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

N/A

7. Sign at the Place Indicated

Signature: _____

Printed Name and Title: Rosa Mosqueda.

Date: 2/2/24

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

YanFang Lin

being duly sworn, deposes and says that

he/she resides at 13 Howard Drive, Middletown, NY 10940

in the County of Orange and State of New York and that he/she is the

owner in fee or Member of the Yao & Guo LLC
OFFICIAL TITLE

Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized Rosa Mosqueda, owner of SB Beauty Bar to make the foregoing

application for approval as described herein.

Sworn before me this 2nd day of February 2024

Dominique Gale
Notary Public

DOMINIQUE M GALE
NOTARY PUBLIC STATE OF NEW YORK
ORANGE COUNTY
LIC. #01GA6398879
COMM. EXP. 10/07/2027

[Signature]
OWNER'S SIGNATURE



CITY OF MIDDLETOWN, NEW YORK PLANNING BOARD RECORD OF VOTE

THE FOLLOWING WAS PRESENTED

By: None
Seconded by: None
Date of Adoption: March 6, 2024
Resolution Number

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

Approval of a Special Use Permit and Site Plan for a Spa at 11 Center Street

WHEREAS, Jenny Huertas, filed an application with the Planning Board of the City of Middletown seeking a special use permit and site plan approval for a spa located at 11 Center Street, Middletown, Section 31, Block 8, Lot 18, located in the DMU Zone is a permitted use.

WHEREAS, after due notice public hearing was held by the Planning Board on March 6, 2024 at 7:00 p.m. in the Common Council Chambers, City Hall, Middletown, New York, and

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and all testimony has been carefully considered.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Middletown hereby approves the application of Jenny Huertas, for a special use permit and site plan approval for a spa located at 11 Center Street, Middletown.

Hours of operation are 10:00 a.m. to 7:00 p.m. daily.

SUBJECT TO: City of Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works.
The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if

applicable.

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

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

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

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

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

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

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

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

Filed with the Clerk of the City of Middletown
on: 03/08/2024

Richard P. McCormack
City Clerk

Prepared by:

Attachments:

1.	11 center-001
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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 11 Center St., Middletown, NY 10940

Section 31 Block 8 Lot 18 Current Zoning District DMU

Building Existing ☒ New ☐

2. Owner of Property New New York Development

Owner's Address 11 Center St.

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: 513-940-6759

Cell: _____

3. Applicant name Jenny J. Huertas

If different from Owner

Applicants Address 36 Pleasant Avenue

City Middletown State NY Zip 10940

Phone numbers: Home: 917-941-5577

Business: 845-478-4933

Cell: 917-941-5577

Fax: 845-394-0076

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 # N/A

Classification of Occupancy requested N/A

Description of what you are requesting: I am opening a spa
that offers facials, lashes, brows

Monday - Sunday 10am - 7pm 2 Employees

Uses currently in property: Vacant

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	<u>Ø</u>		
Front yard	<u>Ø</u>		
Rear yard	<u>Ø</u>		
Side yard	<u>Ø</u>		
Side yard	<u>Ø</u>		
Parking	<u>Ø</u>		

Answer this section only for multiple dwellings

Lot coverage	<u>Ø</u>
Building height	<u>Ø</u>
Open Space	<u>Ø</u>
Playlot	<u>Ø</u>
Livable floor area	<u>Ø</u>
Number of Bedrooms	<u>Ø</u>

site plan
survey
google maps

N/A

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

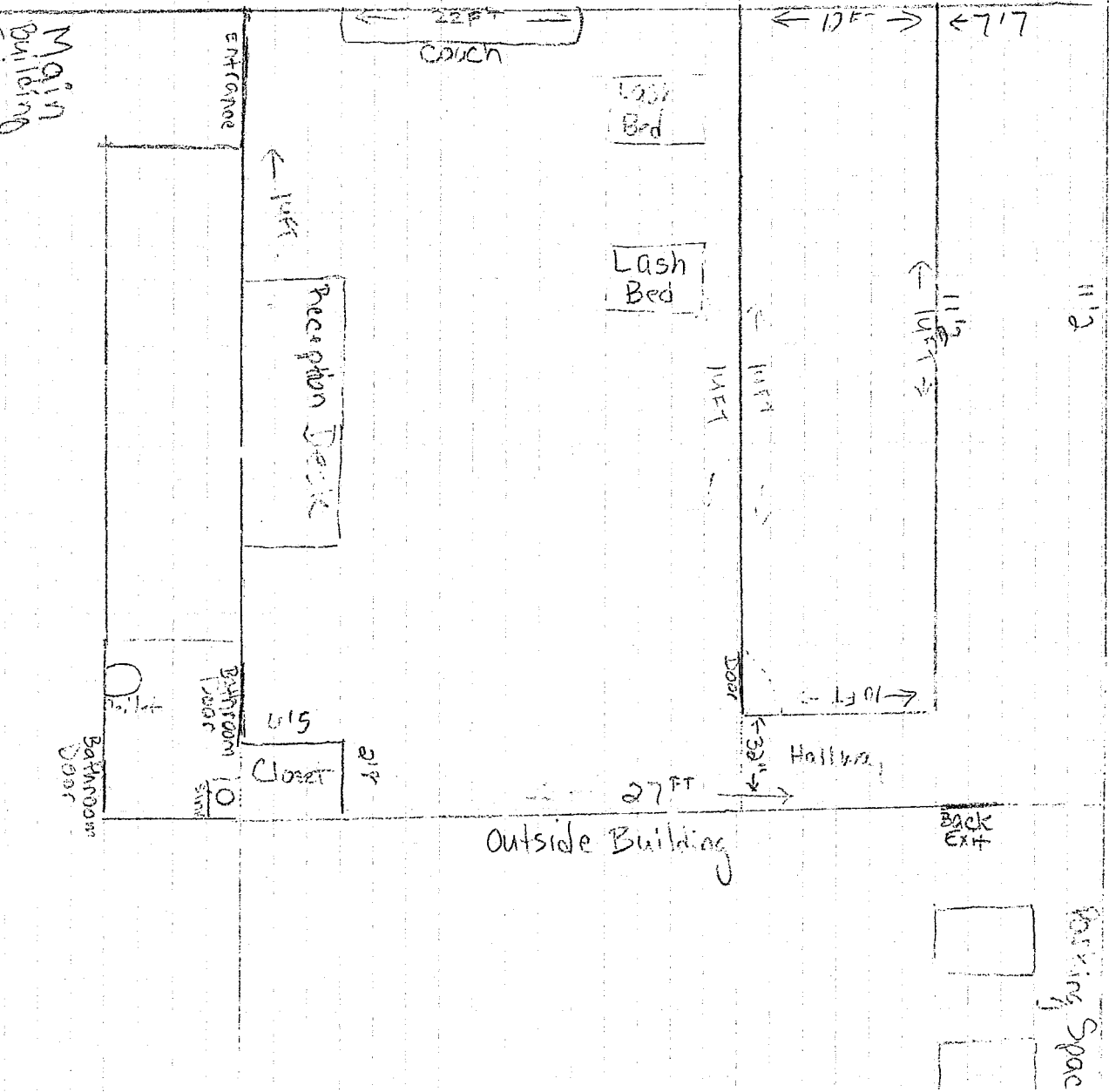
N/A

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

Printed Name and Title: Jenny J. Huertas (owner)

Date: 2/14/24

Meticulous N LLC Floor Plan 964 Sq. Ft



OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Zhongling Jia being duly sworn, deposes and says that

he/she resides at 32 Drago Ln, Middletown, NY 10940

in the County of Orange and State of New York and that he/she is the

owner in fee or owner of the New New York Development
OFFICIAL TITLE

Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized Meticulous NY LLC to make the foregoing

application for approval as described herein.

Sworn before me this 12 day of February 2024


Notary Public

MARIA TSOLISOS
Notary Public, State of New York
NO. 01TS6419606
Qualified in Orange County
Commission Expires 07/12/2025

Zhongling Jia

UNIQUE ID NUMBER

AEE-18-07176

State of New York
Department of State

—DIVISION OF LICENSING SERVICES—

FOR OFFICE USE ONLY

Control
No.

1572658
22210-07

Pursuant to the provisions of

ARTICLE 27 OF THE GENERAL BUSINESS LAW

ATTACH
PHOTO
HERE

HUERTAS JENNY J

EFFECTIVE DATE

MO.	DAY	YR
08	09	2022

EXPIRATION DATE

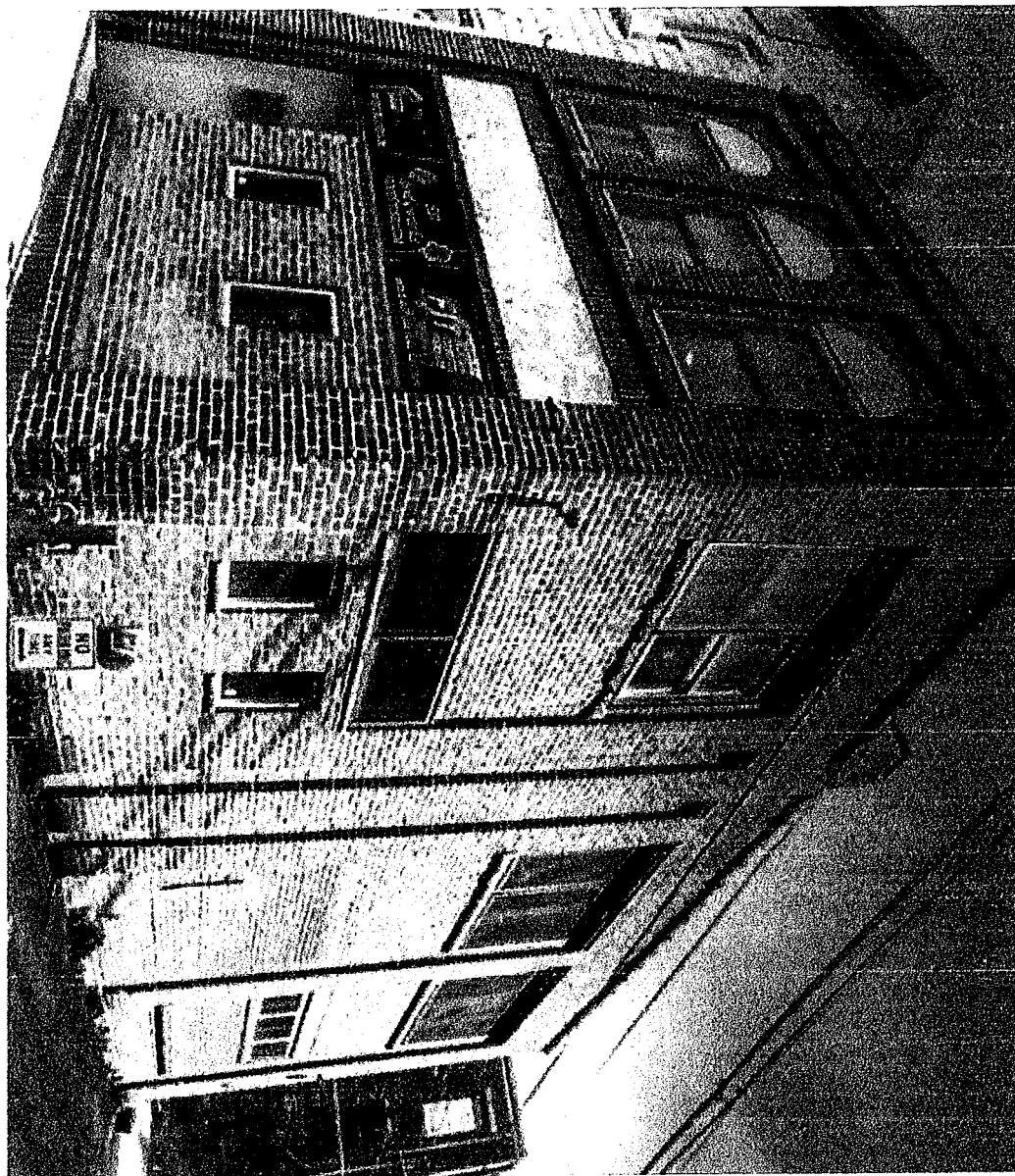
MO.	DAY	YR
08	09	2026

HAS BEEN DULY LICENSED TO PRACTICE
ESTHETICS

In Witness Whereof, The Department of State has caused
its official seal to be hereunto affixed.

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

11 Center St



You're The Model Salon



James St

21-49

Parking Lot

Center St

Private Driveway

Front entrance
11 Center St



Parking
Space

32-34

26-35

Th

DAVES Coffee F

Sugar Shack Factory

57



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 183 Dolson Avenue, Middletown, NY 10940

Section 49 Block 1 Lot 5 Current Zoning District C-3

Building Existing _____ New X

2. Owner of Property SAPA Holdings, LLC

Owner's Address 73 Pleasant Street

City Monticello State NY Zip 12701

Phone numbers: Home: _____

Business: _____

Cell: _____

3. Applicant name O'Reilly Auto Enterprises, LLC

If different from Owner

Applicants Address 233 South Patterson Avenue

City Springfield State MO Zip 65802

Phone numbers: Home: _____

Business: 417-862-2674

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 Automotive Parts Retail

Description of what you are requesting: O'Reilly Auto Enterprises proposes to construct a new +/- 7,225 SF O'Reilly Auto Parts Store with associated asphalt parking, lighting, utilities, and landscaping features.

Uses currently in property: Vacant lawn area.

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	475-21	7,500 SF (0.17 AC)	45,000 SF (1.03 AC)
Front yard	475-21	NOT REQUIRED	+/- 82.3'
Rear yard	475-21	NOT REQUIRED	+/- 32.5'
Side yard	475-21	NOT REQUIRED	+/- 12.3'
Side yard	475-21	NOT REQUIRED	+/- 127.4'
Parking	475-33	24	35

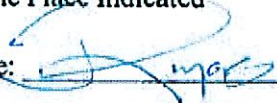
Answer this section only for multiple dwellings

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

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

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

7. Sign at the Place Indicated

→ Signature: 

→ Printed Name and Title: Jim Riggs / Sr Director Real Estate Development

→ Date: January 11, 2024



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor
Rochester, NY 14625
585.866.1100

Via Electronic Delivery

January 29, 2024

City of Middletown Planning Board
Middletown City Hall
16 James Street
Middletown, NY 10940

Attention: Martina Tu

**Re: Preliminary Site Plan Review
Proposed O'Reilly Auto Parts Store
183 Dolson Avenue
Middletown, New York**

Dear Ms. Tu,

On behalf of our client, O'Reilly Auto Enterprises, LLC. we are pleased to submit the City of Middletown Planning Board for the proposed O'Reilly Auto Parts Store. Included with this submission are the following:

- A. An Electronic copy of this Cover Letter and Project Narrative, prepared by Bohler Engineering, dated January 29, 2024
- B. An electronic copy of the Planning Board Application signed by the applicant.
- C. An electronic copy of the Owner Endorsement Form signed by the applicant and current owner.
- D. An electronic copy of the Environmental Assessment (short) form signed by the Applicant.
- E. An electronic copy of plans entitled "Site Development Plans" prepared by Bohler Engineering and Landscape Architecture NY, PLLC, dated December 22, 2023
- F. An electronic copy of the Architectural Floor Plan, Prepared by Easterly Schneider Associates, dated December 12, 2023.
- G. An electronic copy of the colored Architectural Exterior Elevations, Prepared by Easterly Schneider Associates, dated December 12, 2023.
- H. An electronic copy of the Site Signage Plan & Details, Prepared by Easterly Schneider Associates, dated December 12, 2023.
- I. An electronic copy of the Site Photometric Plan & Details, Prepared by Easterly Schneider Associates, dated December 12, 2023.
- J. An electronic copy of the ALTA/NPS Land Title Survey, prepared by Control Point Associates, LLC dated August 31, 2023

We understand with this submission we will be placed on the next available Planning Board meeting to formally introduce the proposed O'Reilly Auto Parts project in the City of Middletown.

Existing Conditions

The existing ± 1.03 -acre parcel (TM# 49.00-1-5) is located at 183 Dolson Avenue (State Route 17M) consisting of mostly undeveloped grass lands and a portion of Abe Isseks Drive along the western property line. This portion of Abe Isseks Drive is privately owned and has been utilized as a shared access to Dolson Avenue to this project site, Monro Auto Services to the west, Citi Med to the south and offers alternate routes for traffic to the east. Based on current survey and County mapping, this portion of Abe Isseks Drive is privately owned by the current property owner of 183 Dolson Avenue with no shared access agreement to the surrounding businesses. As part of this application, the applicant O'Reilly Auto Enterprises, LLC intends to file a shared access agreement with the surrounding businesses to maintain the existing character and traffic flow of the surrounding neighborhood. The majority of the project site

sheet flows to the southern property line towards the parking lot of Citi Med, where there is an existing catch basin, that captures the runoff. Sanitary sewer is located along the property frontage as well as electric, and gas. Municipal water is located to the north east within Dolson Avenue.

Proposed Project

The proposed development involves the construction of a new $\pm 7,225$ SF O'Reilly Auto Parts Store. The site is proposed to include (35) parking spaces (including 2 ADA - van accessible spaces). Two full access connections to Abe Isseks Drive are intended to service the property with access to Dolson Avenue. The existing 25' shared access agreement to the west is proposed to be dissolved and the privately owned portion of Abe Isseks Drive is proposed to include a new shared access easement to the surrounding businesses to provide safe and legal means of accessing Dolson Avenue.

Other on-site features will include new utility services, stormwater mitigation features, asphalt and concrete parking and drive lanes, concrete curbing and sidewalk, a dumpster enclosure, dark sky compliant LED site lighting fixtures, landscaping, and signage.

Operations

Below is a summary of the operations of the proposed auto parts store:

- Open 7-days a week, with typical hours of 7:30am to 9pm Monday – Saturday and 9am to 7pm on Sundays.
- No tire Sales or on-site service.
- Typically employs $\pm 3 - 8$ employees per shift with ± 2 shifts per day.

Zoning

The parcel is zoned C3, General Business District where an auto parts retail store is a permitted use. The proposed layout is in compliance with all the applicable bulk requirements of the City of Middletown Zoning Code. There are (35) parking spaces proposed where the minimum required is (24) and the maximum allowed is (28). Please reference the bulk zoning table within the Site Development Plans, prepared by Bohler Engineering and Landscape Architecture for further zoning requirements applicable to this development.

Stormwater

Stormwater mitigation features to reduce predeveloped flows consisting of an oversized stormwater basin located in the rear of the property has been designed to contain the 100 – year extreme flood event. The project will disturb less than 1-acre of land; therefore, a SWPPP is not required for this project.

Water Service

The project proposes to directionally drill across Dolson Avenue and connect a new 1-inch potable water service to the new auto retail store. The proposed water service will be reviewed and approved by the New York State Department of Transportation and the City of Middletown Water Department.

Sanitary Sewer

There is an existing 18" PVC sanitary sewer main and manhole located at the frontage of the property on Dolson Avenue that heads to the east. A new 4" sanitary sewer lateral from the new building to the existing sewer is proposed to service the proposed O'Reilly Auto Parts Store. The proposed sanitary sewer lateral will be reviewed and approved by the City of Middletown Sewer Department.

Landscaping

New plantings are proposed throughout the site with screening trees proposed along the western property line. The existing trees along the eastern side of Abe Isseks Drive are to remain.



O'Reilly Auto Parts Store
Dolson Avenue
City of Middletown, NY

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Lighting

New pole mounted dark sky compliant LED site lighting fixtures are proposed to illuminate the site to provide consistent lighting levels for the parking and drive lanes. The lighting has been designed to minimize light spill at the property lines.

Signage

O'Reilly Auto Parts standard signage is proposed which consist of a pole sign, as well as a building mounted sign on the front and the northern face of the new building.

Should you have any questions, or need additional materials, please do not hesitate to contact us at (518) 438-9900.

Sincerely,

BOHLER ENGINEERING AND LANDSCAPE ARCHITECTURE NY, PLLC

Sam Burden, EIT

