CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
MAY 1, 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

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1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

   3.1. Nothing this evening.

4. NEW BUSINESS

   Approval of a 6-month extension request for a restaurant located at 1-7 Courtland Street

   Special use permit and site plan approval for 139 Wickham Avenue (small electronics repair and retail shop)

   Special use permit and site plan approval for 39 Railroad Avenue (beauty parlor)

   Special use permit and site plan approval to add a full liquor license at an eating and drinking establishment at 3 South Street

   Orange Terrace 4-lot subdivision - Preliminary Presentation

5. ADJOURNMENT

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____ **Date** 4/17/2024
Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 139 Wickham Avenue

   Section 17 Block 3 Lot 48 Current Zoning District I-1

   Building Existing ✓ New _____

2. Owner of Property Russo Vosoughi

   Owner's Address Dutchess Terminals Inc. 66 Prospect St.

   City Poughkeepsie State NY Zip 12601

   Phone numbers: **Home:**
   Business:
   Cell:

3. Applicant name Benjamin Urea
   If different from Owner
   Applicants Address 19 Grand Avenue

   City Middletown State N.Y Zip 10940

   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_____

Description of what you are requesting: - Cellphone & Computer repairs
Selling Accesories as well electronics
Hours of operation 8Am to 8pm Daily

Uses currently in property:_____

_____

_____

_____

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

Answer this section only for multiple dwellings

Lot coverage_____
Building height_____
Open Space_____
Playlot_____
Livable floor area_____
Number of Bedrooms_____

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: Benjamin Orea

Printed Name and Title: Benjamin Orea

Date: 4/17/24

OWNERS ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

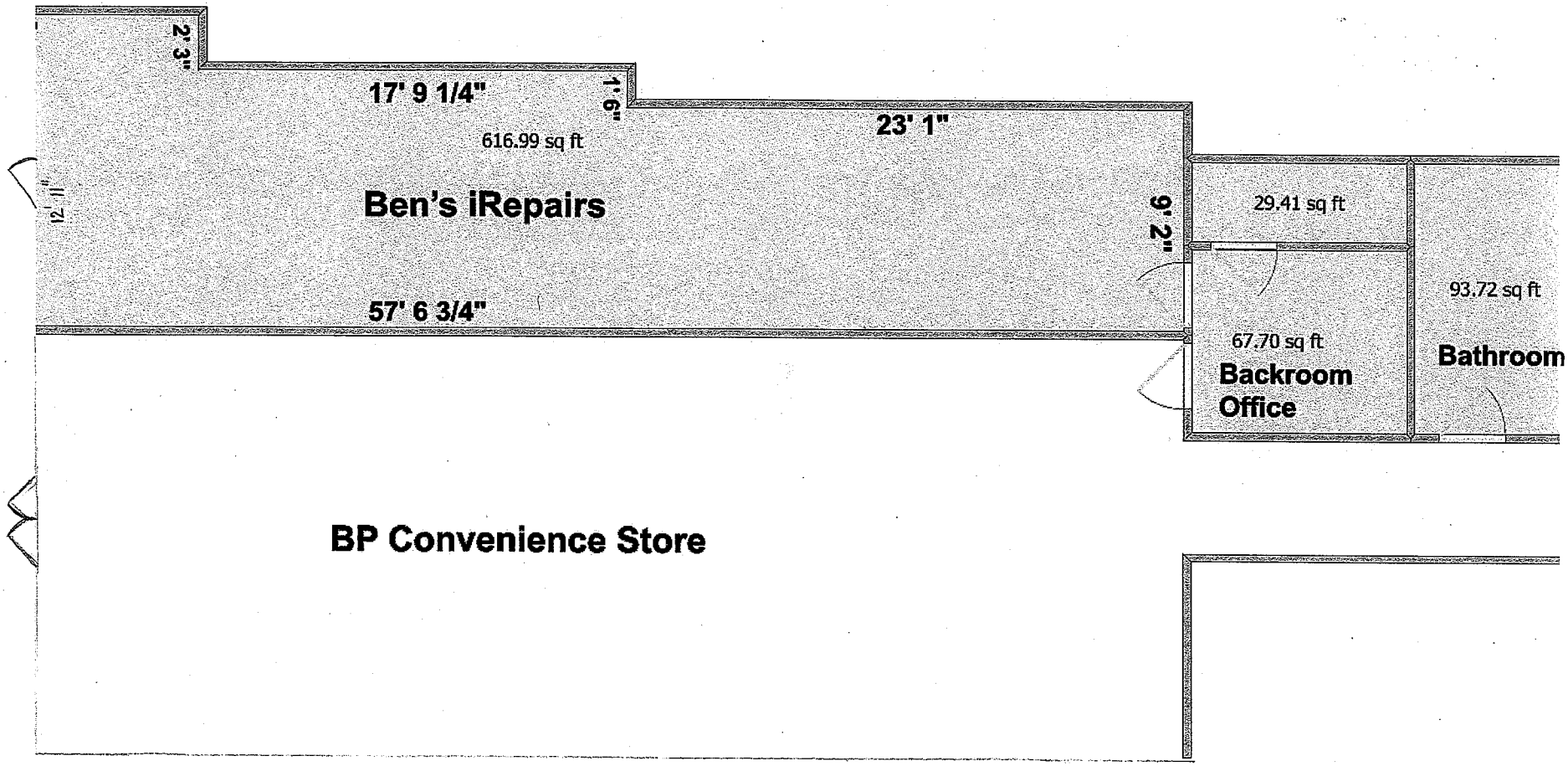
Russo Vosoughi being duly sworn, deposes and says that he/she resides at 66 Prospect St. Poughkeepsie in the County of Dutchess and State of NY and that he is the owner in fee or President (OFFICIAL TITLE) of the ANK Realty Inc Corporation which is the owner in fee of the premises described in the foregoing application and that he has authorized Benjamin Orra to make the foregoing application for approval as described herein.

Sworn before me this 17th day of April 2024

Sally Bousquet
NOTARY PUBLIC

Sally Bousquet
Notary Public, State of New York
Registration #01BO6035770
Qualified in Dutchess County
My Commission Expires: 1/3/2026

OWNERS SIGNATURE


2' 3"
17' 9 1/4"
1' 6"
616.99 sq ft
23' 1"
Ben's iRepairs
12' 11"
9' 2"
29.41 sq ft
93.72 sq ft
57' 6 3/4"
67.70 sq ft
Backroom
Office
Bathroom
BP Convenience Store

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____ **Date** 03/22/2024
Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 39 Railroad Ave unit 1 Middletown ny 10940

   Section 26 Block 17 Lot 8 Current Zoning District DMU

   Building Existing_____ New_____

2. Owner of Property Maria Rotundo

   Owner's Address 16 Baldwin Hill Rd.

   City Middletown [redacted]

   Phone numbers: **Home:** [redacted]
   Business:
   Cell:

3. Applicant name Augusta N. Ike
   If different from Owner
   Applicants Address 125 Prospect Ave

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** [redacted]
   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 Business

Description of what you are requesting: Beauty Parlor and Makeup booths. Hours of Operation: Monday - Friday: 9:00Am - 8:00pm Saturday - Sunday: 8:00Am - 11:00pm. Eight Employees.

Uses currently in property:

Not in use

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: Auguste Ike.

Printed Name and Title: AUGUSTA IKE OWNER

Date: 03/22/2024

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Maria Rotundo being duly sworn, deposes and says that

he/she resides at 16 Baldwin Hill rd. 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 11 Center Street, LLC
OFFICIAL TITLE

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

he/she has authorized Studio 504 Parlor to make the foregoing

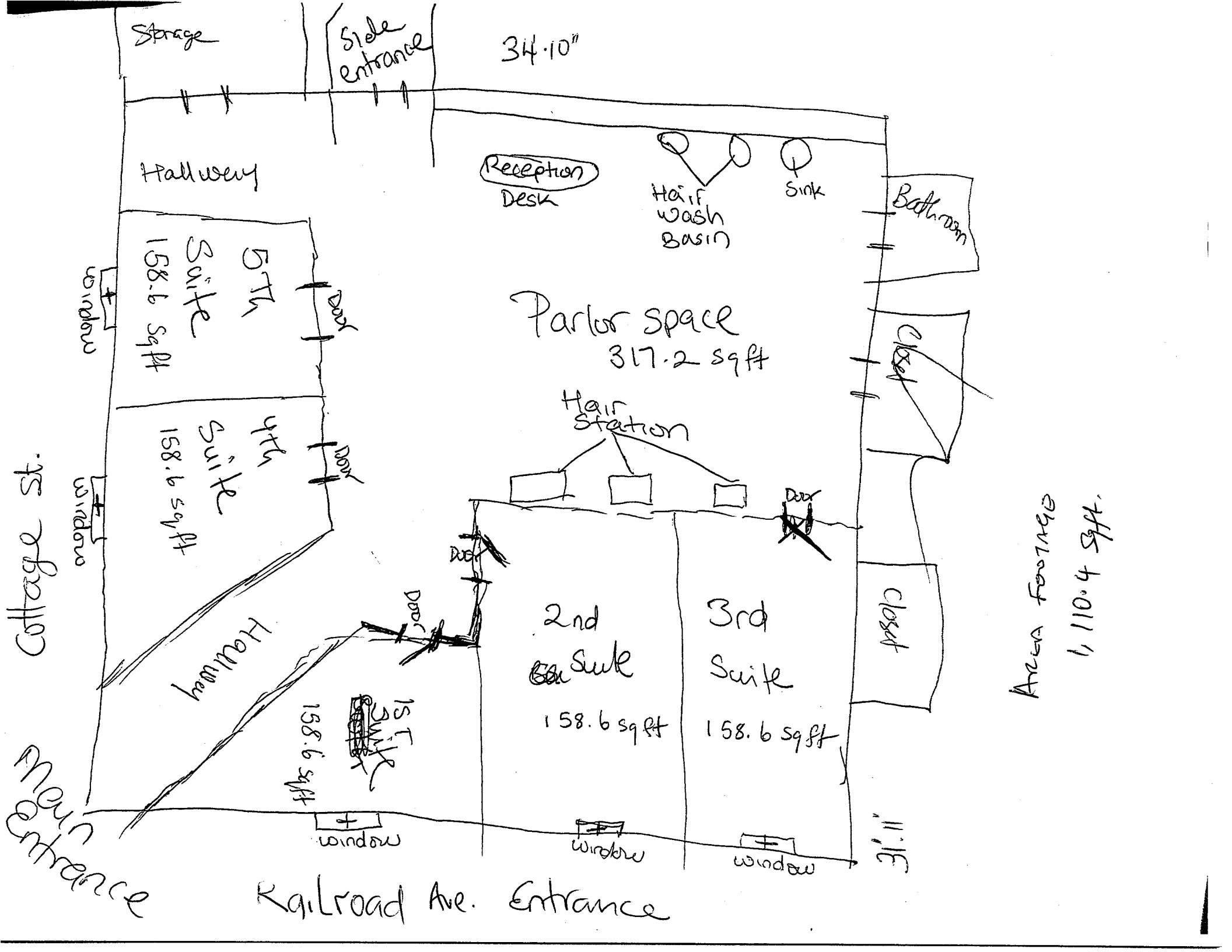
application for approval as described herein.

Sworn before me this 20th day of March 2024

Marie C Barone
Notary Public

MARIE C BARONE
Notary Public - State of New York
NO. 01BA6275673
Qualified in Orange County
My Commission Expires 2/4/25

Maria Rotundo
OWNER'S SIGNATURE


Storage
Side entrance
34.10"
Hallway
Reception Desk
Hair wash Basin
Sink
Bathroom
5th Suite 158.6 sqft
Door
window
Parlor space 317.2 sqft
Closet
Hair Station
4th Suite 158.6 sqft
Door
window
Door
Door
Hallway
2nd Suite 158.6 sqft
3rd Suite 158.6 sqft
Closet
1st Suite 158.6 sqft
window
window
window
11.1"
Cottage St.
Main entrance
Railroad Ave. Entrance
Area footage
1,110.4 sqft.

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____ **Date** _____
Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 3 South St. Middletown, NY 10940

   Section 35 Block 3 Lot 10 Current Zoning District DMU

   Building Existing X New _____

2. Owner of Property Lucy Barina

   Owner's Address 3 South St. Apt 3 Middletown, NY 10940

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: _____
   Cell: _____

3. Applicant name Sabrina Entwistle
   If different from Owner
   Applicants Address 973 Hill Ave

   City Pine Bush State NY Zip 12566

   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_____

Description of what you are requesting: Requesting a liquor license for on premise Consumption.

Uses currently in property: Restaurant Take-out

~~Tues~~ Mon-Thurs 11-8pm Fri-Sat 11-9pm

I may want to extend hours no later than 10pm

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: Sabrina Entwistle

Printed Name and Title: Sabrina Entwistle - owner

Date: 4/9/24

A Taste of Guyana
3 South St.
Middletown , NY 10940

Dear Planning Board Committee, Date: 4/10/2024

I respectfully request your consideration for my business to obtain a NYS Liquor License. I would like to be considered to sell Bottled beer, liquor and mixed drinks during our normal operating hours on our premises in an effort to attract clientele to our restaurant.

I have enclosed a rough sketch. I currently have an extra 7 foot steam table that is horizontal to our front door that I would replace with a 7 foot bar that would be "L" shaped with an extra 2 foot going vertically. I do have (1) single bathroom on the premises. I do not intend on making any renovations to this location as the current footprint will suffice with the removal of the extra steam table.

Kind Regards,

Sabrina Entwistle- owner

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Lucero Luciana Ochoa being duly sworn, deposes and says that

he/she resides at 3 South St. Box 4, 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 3 South St. Building, Middletown NY 10940
OFFICIAL TITLE

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

he/she has authorized Sabrina Entwistle to make the foregoing

application for approval as described herein.

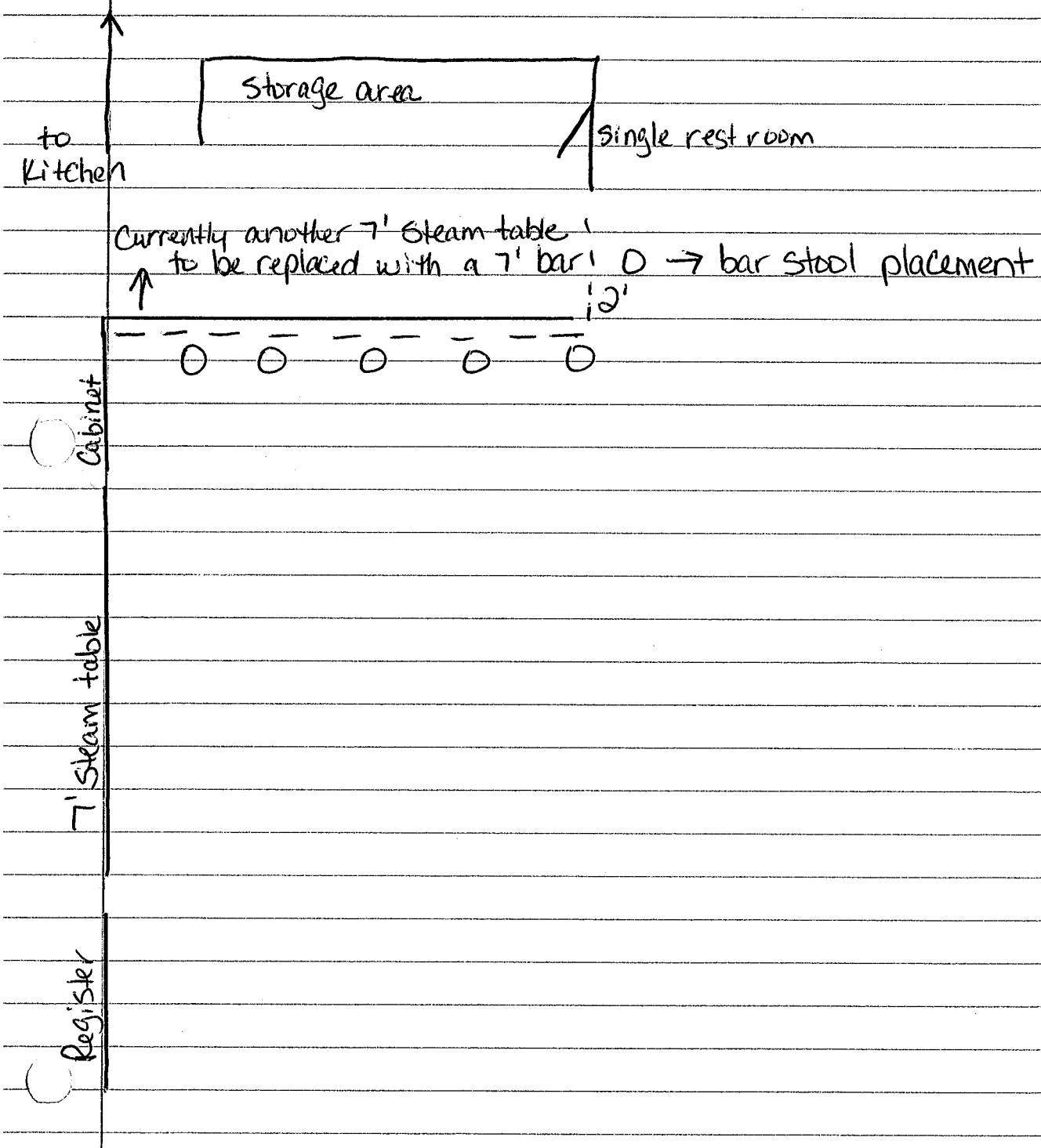
Sworn before me this 10th day of April 2024

Susan Cummings
Notary Public

SUSAN CUMMINGS
Notary Public - State of New York
No. 01CU6225383
Qualified in Orange County
My Commission Expires July 19, 2026

Lucero Luciana Ochoa
OWNER'S SIGNATURE

A Taste of Guyana 4/10/04



SUBDIVISION APPLICATION

City of Middletown, New York

Date deemed complete _____ **Date** _____
Accepted by _____

1. Address of Subject Property 3, 5, 7, 9, 11, 13 Orange Terrace

   Section 33 Block 4 Lot 2-7 Current Zoning District _____

   Building Existing _____ New 4

2. Owner of Property Orange Terrace Properties LLC

   Owner's Address 199 Lee Avenue - Suite 663

   City Brooklyn State NY Zip 11205

   Phone numbers: **Home:** _____
   Business: _____
   Cell: 917-416-4548
   Fax: _____

3. Applicant name Same
   If different from Owner
   Applicants Address _____

   City _____ State _____ Zip _____

   Phone numbers: **Home:** _____
   Business: _____
   Cell: _____
   Fax: _____

4. Total square footage of land to be modified: 39,204+/- S.F.

5. Number of lots to be created by the subdivision: 4

6. Indicated the proposed uses for each subdivided lot that has been created by this subdivision. Additional sheets may be attached if more space is required.

Subdivision/lot line change - re-configuring the existing 6 residential lots into 4 residential lots.

7. List the size of each subdivided lot that is requested:

Lot #1 Lot area 13,727 Front yard 35 Rear yard 127
Side yards 36 Parking 2

Lot #2 Lot area 13,727 Front yard 35 Rear yard 127
Side yards 27.9 Parking 2

Lot #3 Lot area 13,727 Front yard 35 Rear yard 127
Side yards 30.6 Parking 2

Lot #4 Lot area 13,727 Front yard 35 Rear yard 125
Side yards 33.3 Parking 2

Lot #5 Lot area _____ Front yard _____ Rear yard _____
Side yards _____ Parking _____

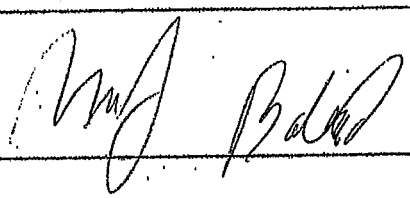
Lot #6 Lot area _____ Front yard _____ Rear yard _____
Side yards _____ Parking _____

Lot #7 Lot area _____ Front yard _____ Rear yard _____
Side yards _____ Parking _____

Lot #8 Lot area _____ Front yard _____ Rear yard _____
Side yards _____ Parking _____

8. List all current and future buildings that will be located on the property:

Each lot will have one single family residential dwelling

9. Signature: 

Printed Name and Title: Moses Babad

Date: 4/4/24

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.

Part 1 – Project and Sponsor Information		
Orange Terrace Properties Subdivision		
Name of Action or Project: Subdivision - lot line change		
Project Location (describe, and attach a location map): 3 Orange Terrace		
Brief Description of Proposed Action: Subdivision - lot line change - reconfiguring the existing 6 residential lots into 4 residential lots		
Name of Applicant or Sponsor: Orange Terrace Properties, LLC	Telephone: 917-416-4548 E-Mail:	
Address: 199 Lee Avenue, Suite 663		
City/PO: Brooklyn	State: New York	Zip Code: 11205

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Permits required for water and sewer connections and road extension from the City of Middletown Department of Public Works	☐	☑

3. a. Total acreage of the site of the proposed action? 1.26 acres
   b. Total acreage to be physically disturbed? 0.9 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.26 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
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	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑

	NO	YES
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	YES
13. a. 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?	☐	☑
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: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☑	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: Bi-retention swales and rain gardens	☐	☑
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

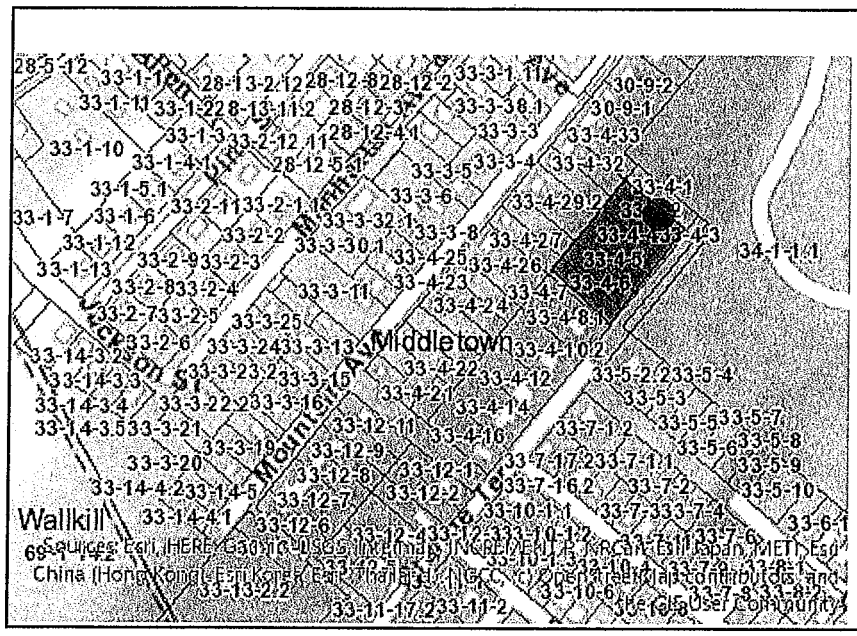
Applicant/sponsor/name: Alfred A. Fusco Jr., P.E. Date: 4/4/24

Signature: Title: Engineer

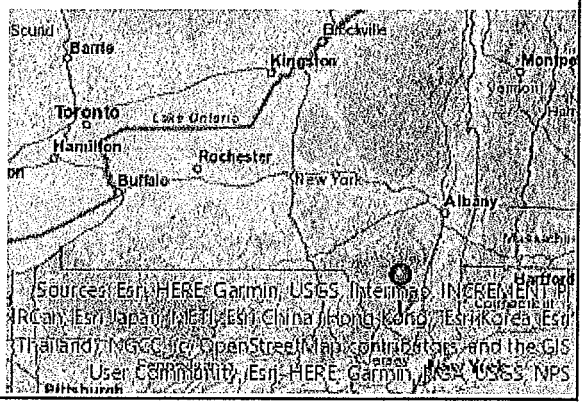
PRINT FORM

EAF Mapper Summary Report

Wednesday, June 21, 2023 8:27 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be 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]	No