CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
AUGUST 7, 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

   Request of Ramiro Rodriguez for a special use permit and site plan approval for an eating and drinking establishment located at 364 North Street

   Request of Mirian Lozano Lituma for a special use permit and site plan approval for a retail and international shipping store located at 92 Wickham Avenue

   Request of David Cohen for a 6-month extension of a special use permit and site plan approval for a construction business office, storage and a workshop located at 14-20 Academy Avenue

   Request of Northern Rx LLC for a special use permit and site plan approval for a med spa located at 55 North Street

   Request of Jarline Almador for a special use permit and site plan approval for an eating and drinking establishment at 30-32 East Main Street

   Request of Orange Terrace Properties, LLC., for recommendation of the proposed 4-lot subdivision located at Orange Terrace to the Common Council

5. ADJOURNMENT

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____ **Date** 07-12-24
Accepted by _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 364 North Street

   Section 11 Block 7 Lot 3 Current Zoning District C-1

   Building Existing ✓ New _____

2. Owner of Property 364 North St. Realty LLC

   Owner's Address 410A Rt 59

   City Airmont State NY Zip 10952

   Phone numbers: **Home:** _____
   Business: 845 367 4240
   Cell: _____

3. Applicant name Ramiro Rodriguez
   If different from Owner
   Applicants Address 143 Wisner avenue

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** 845-394-0112
   Business: _____
   Cell: 845-467-5452
   Fax: _____

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

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

362 North St. Realty LLC being duly sworn, deposes and says that

he/she resides at 410 A Rte 59

in the County of Rockland and State of NY and that he/she is the

owner in fee or _____ of the _____
OFFICIAL TITLE

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

he/she has authorized Ramiro Rodriguez to make the foregoing

application for approval as described herein.

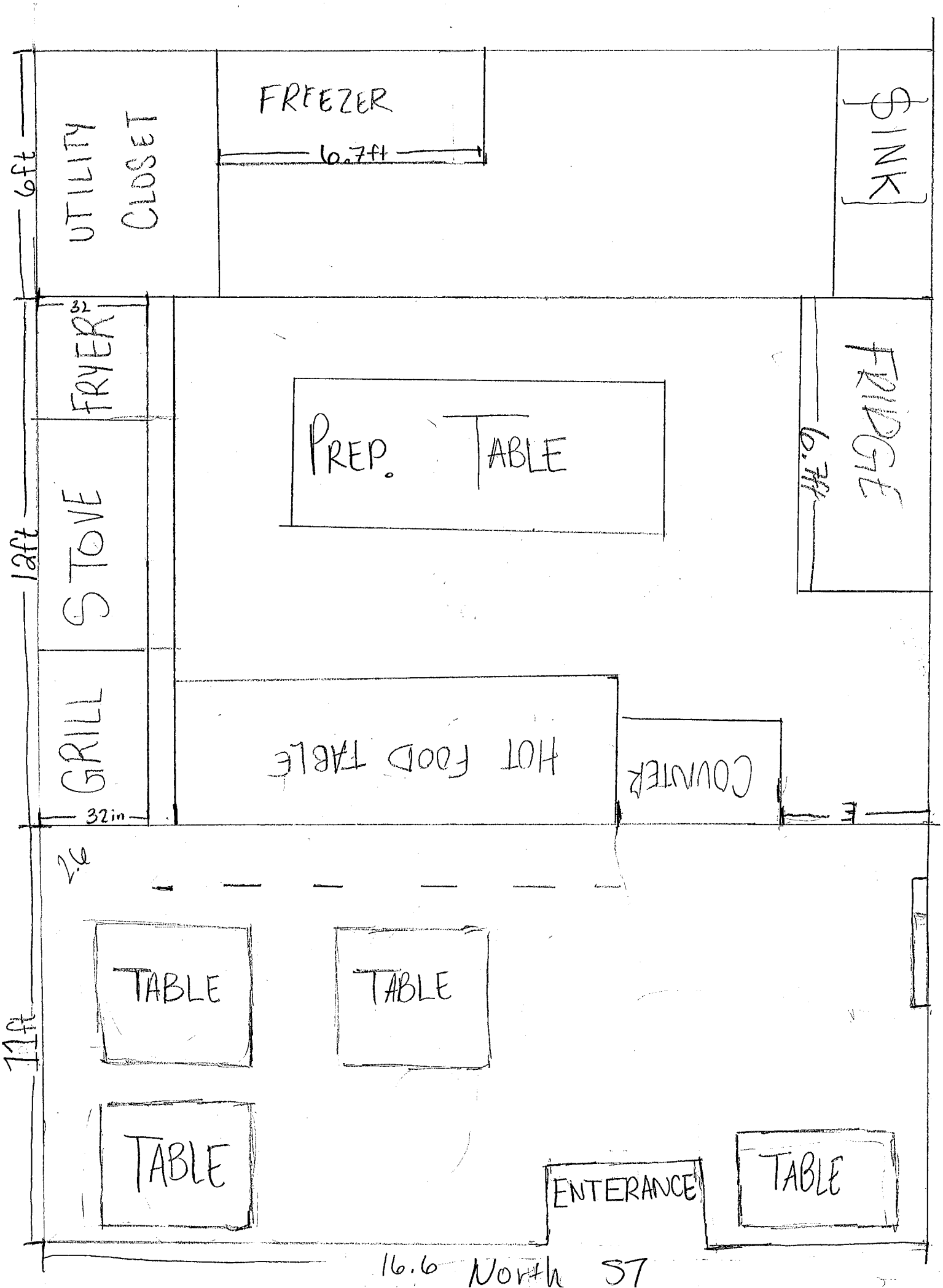
Sworn before me this 15th day of JUN 2021

Jocelyn Acevedo
Notary Public

JOCELYN ROSE ACEVEDO
Notary Public - State of New York
NO. 01AC0020978
Qualified in Orange County
My Commission Expires Feb 9, 2028

OWNER'S SIGNATURE

Ramiro Rodriguez


UTILITY CLOSET
FREEZER
6.7ft
SINK
6ft
32
FRYER
PREP. TABLE
FRIDGE
6.7ft
12ft
STOVE
GRILL
32in
HOT FOOD TABLE
COUNTER
2.6
TABLE
TABLE
11ft
TABLE
ENTERANCE
TABLE
16.6
North ST

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 92 Wickham Ave

   Section 26 Block 1 Lot 2 Current Zoning District DMV

   Building Existing ✓ New _____

2. Owner of Property Vineet Sharma

   Owner's Address 200 Highland

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: _____
   Cell: 845 800 8903

3. Applicant name Mirian Marlene Lozano Litoma
   If different from Owner
   Applicants Address 18 Benton Ave Apt 2

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: _____
   Cell: 8457544413 - 8459783940
   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: I want permission for a mini store that sells Ecuadorian products and offers Western Union, parcel and phone accessories services in small quantities 7 Day 7am - 10pm dayli and jewelry clothes

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.

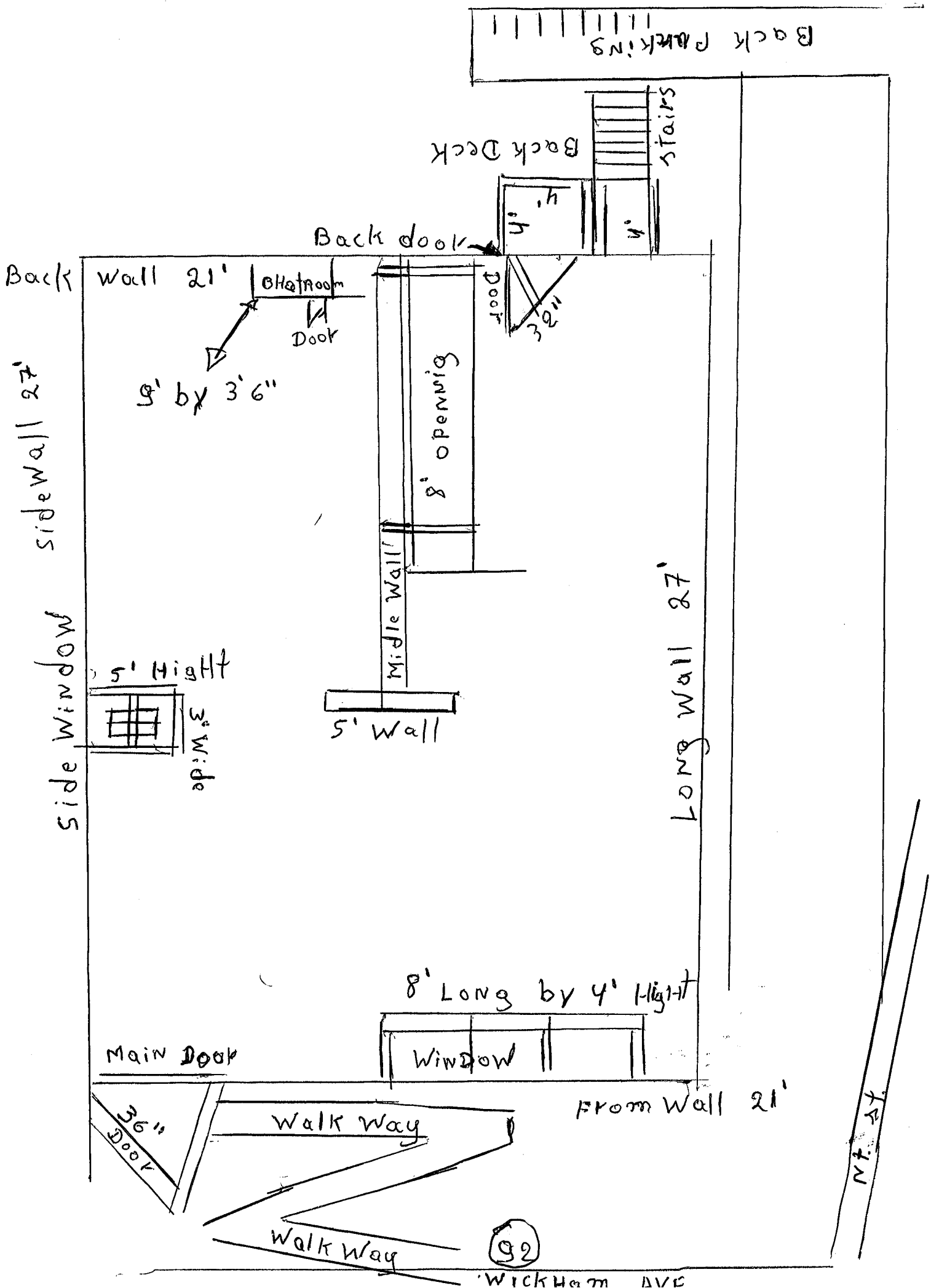
6. **Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.

7. Sign at the Place Indicated

Signature: _____

Printed Name and Title: Mirian Marlene Lozano Lituma.

Date: 07/12/24


Back Parking
Stairs
Back Deck
4'
4'
Back door
Back Wall 21'
Bathroom
Door
Door
32"
9' by 3' 6"
8' opening
Sidewall 27'
Middle Wall
Long Wall 27'
5' Hight
Side Window
Window
5' Wall
8' Long by 4' Hight
Main Door
Window
From Wall 21'
36" Door
Walk Way
Walk Way
Wickham Ave
Nt. St.
92

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Vineet Sharma being duly sworn, deposes and says that

he/she resides at 200 Highland Ave, Middletown ny 10940

in the County of Orange and State of N.Y and that he/she is the

owner in fee or Owner of the 92 Wickham LLC
OFFICIAL TITLE

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

he/she has authorized LOZANO ZITUMA MIRIAN MARLENE to make the foregoing

application for approval as described herein.

Sworn before me this 7th day of July 2024

KATHRYN C SIEGEL
NOTARY PUBLIC STATE OF NY
QUALIFIED IN ORANGE COUNTY
REG. NO 01SI4675896
COMMISSION EXPIRES 5/31/2028

Notary Public

OWNER'S SIGNATURE

Martina Tu

From: David Cohen <david.cohen@greencollarny.com>
Sent: Wednesday, July 31, 2024 11:32 AM
To: Martina Tu
Subject: Re: 14 Academy - Parking Diagram & Storage List

Hi Martina.

I would like to respectfully request a 6 month extension for 14 Academy.

Thanks,
Dave

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 55 North Street, Middletown, NY 10940 1st Floor & Basement

   Section 31 Block 7 Lot 28 Current Zoning District DMU

   Building Existing X New _____

2. Owner of Property 55 North Street Inc.

   Owner's Address 55 North Street

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: 917 - 972 - 9717
   Cell: _____

3. Applicant name Northern Rx LLC
   If different from Owner
   Applicants Address 46 Highland View Pl

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: _____
   Cell: 315 - 751 - 9210
   Fax: _____

Answer 4, 5 or 6

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

Section #_____

Classification of Occupancy requested_____

Description of what you are requesting: We are requesting to open a medspa that is focused on helping people to achieve their health and beauty goals, not just on the outside but also within through nutritional consults, lifestyle medicine, and other services.

Hours of operation
SUN: 10a.m.-3pm.
MON: closed
TUE - SAT 10am-7pm

Uses currently in property: The property is currently used as an art gallery

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

Answer this section only for multiple dwellings

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

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

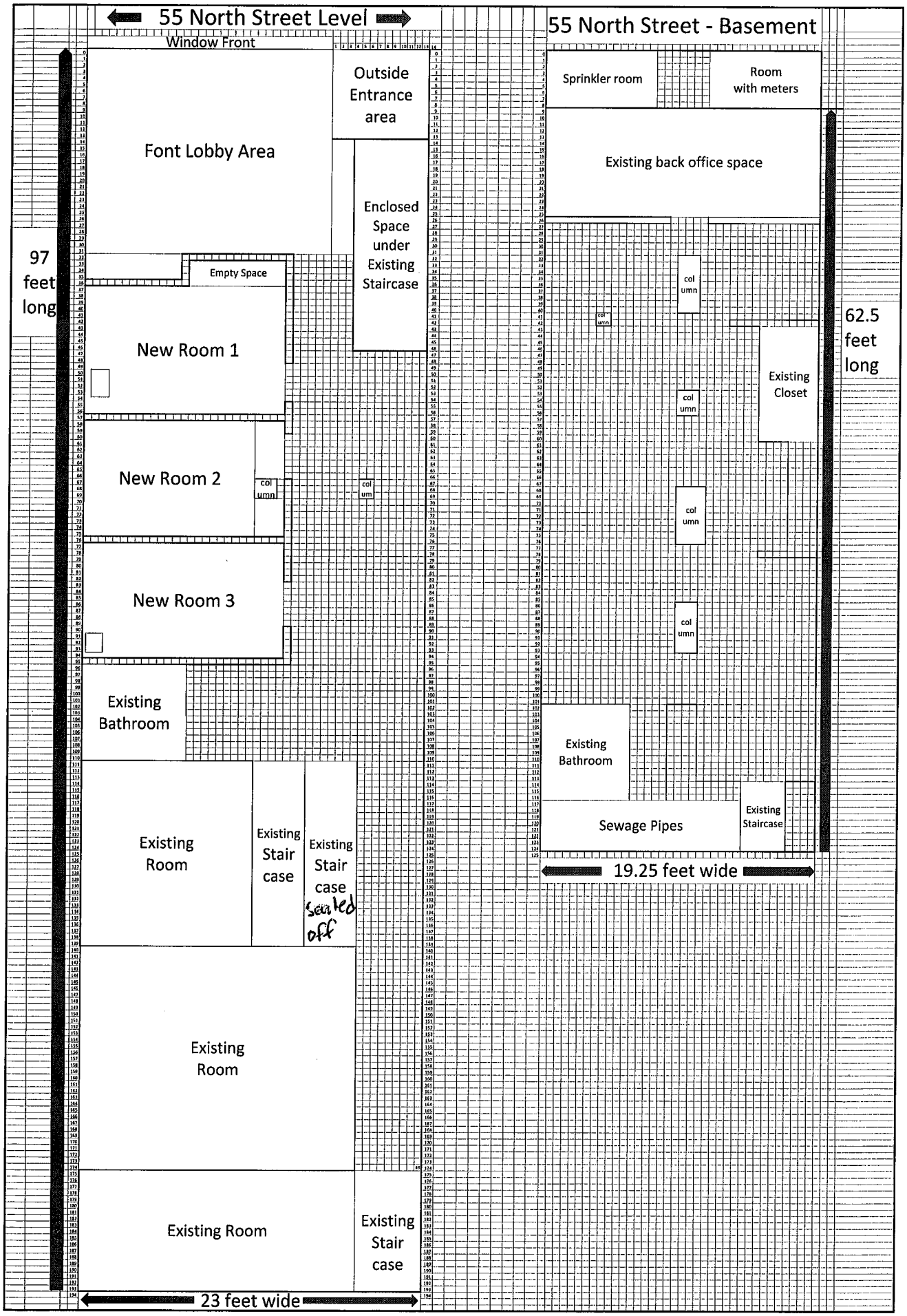
6. **Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.

7. Sign at the Place Indicated

Signature: _____

Printed Name and Title: Thanh Truong

Date: 7-7-2024


55 North Street Level
Window Front
Font Lobby Area
Outside Entrance area
Enclosed Space under Existing Staircase
97 feet long
Empty Space
New Room 1
New Room 2
col umn
New Room 3
Existing Bathroom
Existing Room
Existing Stair case
Existing Stair case
sealed off
Existing Room
Existing Room
Existing Stair case
23 feet wide
55 North Street - Basement
Sprinkler room
Room with meters
Existing back office space
col umn
Existing Closet
62.5 feet long
Existing Bathroom
Sewage Pipes
Existing Staircase
19.25 feet wide

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Junhwan Chang being duly sworn, deposes and says that

he/she resides at 30 Booth Avenue, Englewood Cliffs NJ 07632

in the County of Bergen and State of New Jersey and that he/she is the

owner in fee or President of the 55 North Street Inc.
OFFICIAL TITLE

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

he/she has authorized Northern Rx LLC to make the foregoing

application for approval as described herein.

Sworn before me this 15th day of July 2024

Linda C Vanderbeck
Notary Public

LINDA C. VANDERBECK
Notary Public, State of New York
No. 01VA4953669
Qualified in Ulster County
Commission Expires July 24, 2025

OWNER'S SIGNATURE

UNIQUE ID NUMBER

AEG-21-10574

State of New York

Department of State

DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY

Control No. 1552302

21JS3-17

Pursuant to the provisions of

ARTICLE 27 OF THE GENERAL BUSINESS LAW

YANG JING

EFFECTIVE DATE

MO.	DAY	YR.
12	21	2021

EXPIRATION DATE

MO.	DAY	YR.
12	21	2025

HAS BEEN DULY LICENSED TO PRACTICE

COSMETOLOGY

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

ROBERT J. RODRIGUEZ

ACTING SECRETARY OF STATE

DOS-089-156 (4/08)

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 30-32E Main Street Middletown NY 10940

   Section 35 Block 5 Lot 7.2 Current Zoning District PHU

   Building Existing ✓ New _____

2. Owner of Property Shmuel Yida Moskowitz

   Owner's Address 4 Kahan Drive # 302 Monroe NY 10950

   City Monroe State NY Zip 10950

   Phone numbers: **Home:** _____
   Business: 845 662 5243
   Cell: _____

3. Applicant name Jarline Almodovar
   If different from Owner
   Applicants Address 5 Carole ct

   City Middletown State NY Zip 10940

   Phone numbers: **Home:** _____
   Business: _____
   Cell: (347) 201-0344
   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: Restaurant - Salad, coffee, Smoothies and fresh Juices.

8am - 6pm Monday - Sunday

Uses currently in property: 8

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

Answer this section only for multiple dwellings

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

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

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

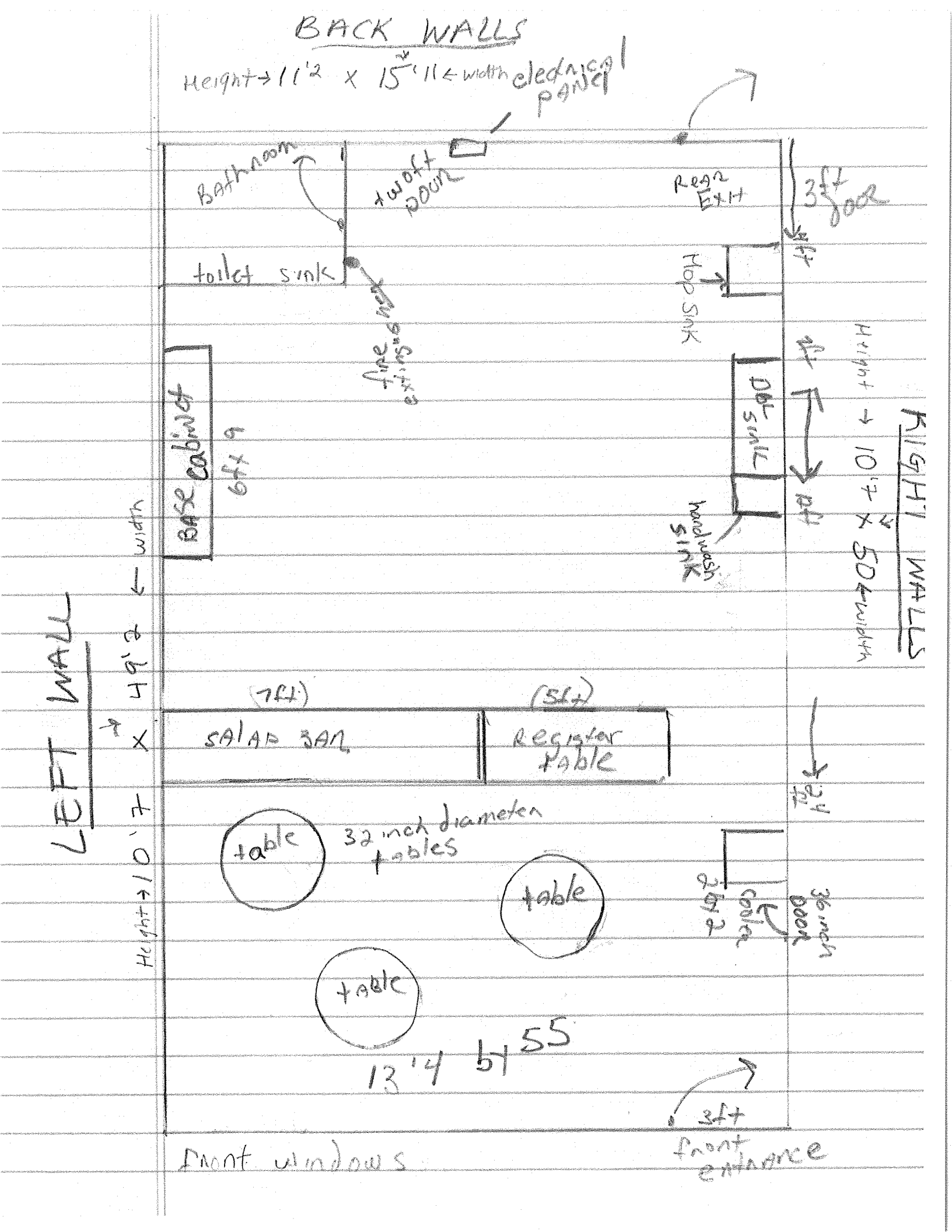
6. **Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.

7. Sign at the Place Indicated

   Signature: _____

Printed Name and Title: Jarline Almodovar Owner

Date: 5/15/24


BACK WALLS
Height → 11'2 x 15'11 ← width
electrical panel
Bathroom
two off power
toilet
sink
fire extinguisher
Rear Exit
3ft door
Hot sink
base cabinet
6ft x 9
width
Dot sink
handwash sink
RIGHT WALL
Height → 10'7 x 50 ← width
LEFT WALL
Height → 10'7 x 49'2 ← width
(7ft)
(5ft)
SALAD BAR
Register table
table
32 inch diameter tables
table
table
2ft
Center
36 inch door
13'4 by 55
3ft front entrance
Front windows

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:	Telephone: 917-416-4548
Orange Terrace Properties, LLC	E-Mail:

Address:

199 Lee Avenue, Suite 663

City/PO:	State:	Zip Code:
Brooklyn	New York	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

5. Is the proposed action,	NO	YES	N/A
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?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	☐
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?	✓	☐
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: _____	☐	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	✓
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?	☐	✓
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		
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?	NO	YES
	☑	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
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

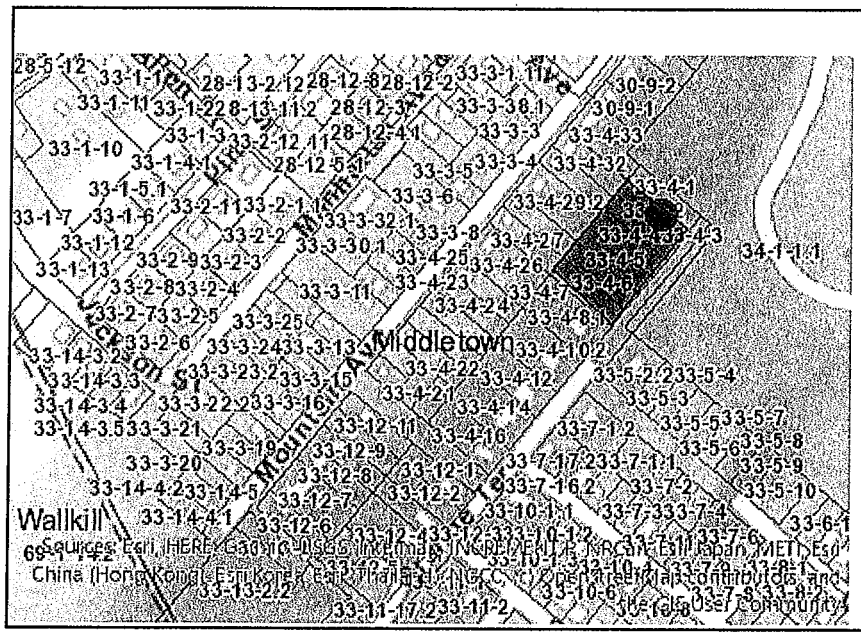
Applicant/sponsor/name: Alfred A. Fusco Jr., P.E. Date: 4/4/24

Signature: Title: Engineer

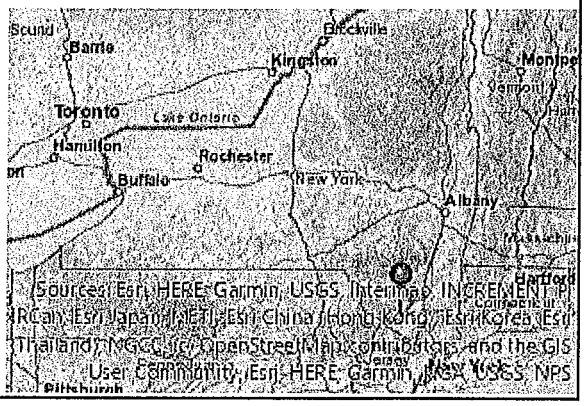
PRINT FORM

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