

CITY OF MIDDLETOWN
PLANNING BOARD MEETING AGENDA
DECEMBER 4, 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 ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES

3.1. Accept the Minutes of _____

4. NEW BUSINESS

Request of AT&T Wireless for a special use permit and site plan approval in order to upgrade existing equipment located at 60 Prospect Avenue

Request of Raymond and Nicole Marquez for a special use permit and site plan approval for a nail salon located at 2 West Main Street, Middletown, New York

Request of Dominique Sampson and Vinniece Dufresne for a special use permit and site plan approval in order to have a retail boutique located at 42 North Street

Request of Anel Pyram and Fedeline Chery Pyram for a special use permit and site plan approval for a grocery store and a take-out located at 18 County Highway 78

Request of Hopes and Dreams Enterprise LLC for a special use permit and site plan approval to have an employee parking lot located at 27 Academy Avenue

Request of Julius Browne for a special use permit and site plan approval in order to have a bar/lounge located at 23-27 West Main Street

Request of Raquel and Alfred Acosta for a special use permit and site plan approval in order to have a UPS store located at 157 Dolson Avenue

5. ADJOURNMENT

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 60 Prospect Avenue, Middletown, NY 10940

Section 36 Block 7 Lot 16 Current Zoning District C-1

Building Existing X New _____

2. Owner of Property Danza Leser Group, LLC

Owner's Address 1481 47th Street

City Brooklyn State NY Zip 11219

Phone numbers: Home: _____

Business: _____

Cell: _____

AT&T Wireless, C/O Airosmith Development

3. Applicant name ATTN: Tiffany Adams Myers

If different from Owner

Applicants Address 155 Northwood Circle

City Rome State NY Zip 13440

Phone numbers: Home: _____

Business: _____

Cell: _____

Fax: _____

Answer 4, 5 or 6

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

Section # 475-43

Classification of Occupancy requested Telecommunication Tower (Commercial Utility; Un-manned)

Description of what you are requesting: AT&T proposes to upgrade existing equipment by replacing some antennas, all existing radios, and performing a small power upgrade to support the new equipment

Uses currently in property: Telecommunication Facility, college of osteopathic medicine, offices

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	<u>475-18; D</u>	<u>7,500 SF</u>	<u>405,694 SF</u>
Front yard	<u>475-18; F(a)</u>	<u>25' Depth</u>	<u>110' Depth</u>
Rear yard	<u>475-18; F(c)</u>	<u>20' Depth</u>	<u>33' Depth</u>
Side yard	<u>475-18; F(b)</u>	<u>5' Depth</u>	<u>5' Depth</u> 44' Depth
Side yard	<u>475-18; F(b)</u>	<u>5' Depth</u>	<u>44' Depth</u>
Parking	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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: Tiffany A. Adams Myers

Printed Name and Title: Tiffany A. Adams Myers, Site Acquisition Specialist II

Date: August 30, 2024



June 21st, 2024

Via Electronic Mail:

aron@horizonacres.com

Danza Leser Group LLC

Attn: Aron Goldklang

1481 47th Street

Brooklyn, NY 11219

Re: Acknowledgment and Consent for AT&T Project WSNYJ0049977 / 2191A1BWQT

New York Site FA# 10126005 / Site Name: MIDDLETOWN

Site Address: 60 Prospect Street, Middletown, NY 10940

Dear Mr. Goldklang:

Airosmith Development is a contractor for New Cingular Wireless PCS, LLC ("AT&T") and in order to maintain AT&T's commitment to the highest standards of service and technology, AT&T will need to update its wireless communications facility at the above-referenced site.

Pursuant to the N.Y. Structure Lease Agreement dated January 16, 2001, between Danza Leser Group LLC ("Landlord") and New Cingular Wireless PCS, LLC ("Tenant"), as amended by a First Amendment dated June 14, 2005, and 2nd Amendment dated March 12, 2012, your consent is required for this modification which will include the following site updates:

The scope of work to include swapping in (6) antennas for (6) existing antennas, with (3) antennas to remain; swapping in (15) remote radio head ("RRH") for existing (18) RRHs; adding (1) tower surge with (2) tower surges to remain. AT&T will be swapping in equipment upgrades with no increase to the size of the premises. After you review the plans, please sign and date the acknowledgment below and return the letter to me at the email address below. After I have received your consent, please anticipate AT&T, or their subcontractor, contacting you in the coming weeks to schedule the work which we anticipate being completed this year.

Should you have any questions or concerns, please feel free to contact me at the phone number or e-mail address below. Thank you for your cooperation in this matter.

Sincerely,

Chris Thompson

Chris Thompson

Site Acquisition Specialist

(518) 260-9788 cell

cthompson@airosmithdevelopment.com

Acknowledged, Accepted, and Agreed:

By: *[Signature]*

Title: _____

Date: _____

318 West Ave., Saratoga Springs, NY 12866

Office 518-306-1711 – Fax 518-306-1711

www.airosmithdevelopment.com



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 2 West Main Street Middletown, NY 10940

Section 35 Block 3 Lot 9

Current Zoning District DMU

Building _____ Existing ☒ New _____

2. Owner of Property Rossi & Rossi LHC

Owner's Address 31 Rossi Drive

City Middletown State New York Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 914-850-1968

3. Applicant name Raymond & Nicole Marouez

If different from Owner?

Applicants Address 18 Manhattan Ave

City Middletown State New York Zip 10940

Phone numbers: Home: _____

Business: 845-281-0220

Cell: 845-467-9449

Fax: _____

Answer 4, 5 or 6

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

Section # _____

Classification of Occupancy requested _____

Description of what you are requesting: _____

nails.

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: Nicole Marquez owner

Printed Name and Title: Nicole Ann Marquez

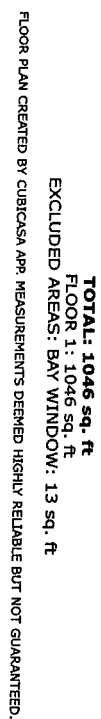
Date: September 30th, 2024

Days & Time of operation

Monday	10am - 7pm
Tues	9am - 7pm
Wed	9am - 7pm
Thurs	9am - 7pm
Fri	8am - 8pm
Sat	8am - 8pm
Sun	closed / varies.

Number of Employees

5 - Subject to Change



FLOOR PLAN CREATED BY CUBICASA APP. MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

FRANCO ROSSI JR OF ROSSI AND ROSSI LLC being duly sworn, deposes and says that

he/she resides at 245 CONNORS ROAD MIDDLETOWN

in the County of ORANGE and State of NEW YORK and that he/she is the

owner in fee or PRESIDENT of the ROSSI AND ROSSI LLC
OFFICIAL TITLE

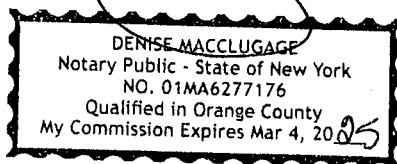
Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized _____ to make the foregoing

application for approval as described herein.

Sworn before me this 30 day of September 2024

Denise MacClugage
Notary Public



[Signature]
OWNER'S SIGNATURE

THE
LIBRARY OF THE
MUSEUM OF MODERN ART
1000 MUSEUM AVENUE
NEW YORK, N. Y. 10028

365-5555

Department of State

Department of State

DIVISION OF LICENSING SERVICES

卷之四

Control

the standard error of measurement

67 SOUTH TAVELER RD. ST. LOUIS, MO. 63112

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

DESIGNER'S CHOICE

100

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 42 north street

Section 31 Block 8 Lot 8

Current Zoning District Dmu

Building Existing ☒ New ☐

2. Owner of Property Gustavo Fara

Owner's Address 107 67th st West N.Y

City Hudson. State New Jersey Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

3. Applicant name Dominique Sampson / Vinniece Dufresne

If different from Owner

Applicants Address ~~42 N~~ 644 Silver Lake Scotchtown Rd apt 20F

City Middletown State NY Zip 10941

Phone numbers: Home: _____

Business: _____

Cell: 917-975-0082 1646-709-5026

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 # 31

Classification of Occupancy requested Boutique Space

Description of what you are requesting: Mon - closed, Tue - closed

W - Friday - 10:30 - 6 Sat & Sun - 11 - 7

Clothing, skin care ^{products}, Home etc.

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

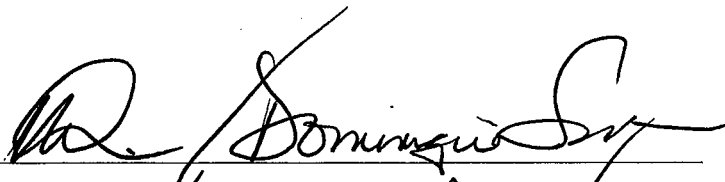
Number of Bedrooms

- 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.

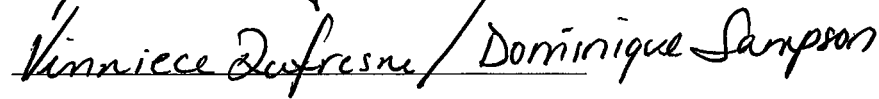
- 6. Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.

- 7. Sign at the Place Indicated**

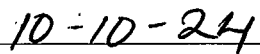
Signature: _____

A handwritten signature in cursive script, appearing to read 'Vinniece Dufresne'.

Printed Name and Title: _____

A handwritten printed name and title in cursive script, appearing to read 'Vinniece Dufresne / Dominique Sampson'.

Date: _____

A handwritten date in cursive script, appearing to read '10-10-24'.

OWNER'S ENDORSEMENT

COUNTY OF ~~ORANGE~~ Bergen
STATE OF ~~NEW YORK~~ New Jersey

GUSTAVO JARA being duly sworn, deposes and says that

he/she resides at 107 67TH ST. WEST NEW YORK

in the County of HUDSON and State of NEW JERSEY and that he/she is the

owner in fee or MEMBER of the 42 NORTH ST LLC
OFFICIAL TITLE

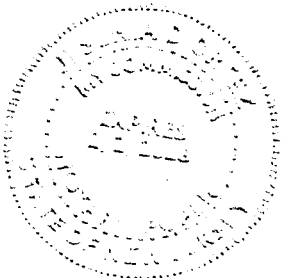
Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized Driver's License to make the foregoing

application for approval as described herein.

Sworn before me this 9th day of October 2024

Jesenia D. Ortiz
Notary Public



JESENIA D ORTEZ
Notary Public, State of New Jersey
Comm. # 50206596
My Commission Expires 2/2/2028

[Signature]
OWNER'S SIGNATURE



A-4 SCALE: 1/4" = 1'-0"



PROPOSED BASEMENT PLAN

SCALE: 1/4" = 1'-0"

PARTITION LEGEND		FIRE PROTECTION		DOOR LEGEND		ELECTRIC LEGEND	
===== EXISTING INTERIOR OR EXTERIOR PARTITIONS TO REMAIN NEW PARTITIONS: INTERIOR EX: W/3 STUDS @16" o.c. W/ 1/2" GYPSUM WALL BOARD EACH SIDE EXTERIOR EX: W/3 STUDS @16" o.c. W/ 5/8" GYPSUM INS. AND 1/2" GYPSUM WALL BOARD EACH SIDE NOTES: ALL PARTITIONS BETWEEN COMMERCIAL UNITS ARE 1 HOUR FIRE RATED (SEE DETAIL 1/10) ALL PARTITIONS BETWEEN COMMERCIAL UNITS AND RESIDENTIAL UNITS ON SECOND FLOOR ARE 1 HOUR RATED. (SEE DETAIL 1/10)		(E) EXISTING SMOKE DETECTOR - (S) NEW SMOKE DETECTOR - HARDED WIRED WITH BATTERY BACK-UP (C) NEW CARBON MONOXIDE DETECTOR - HARDED WIRED WITH BATTERY BACK-UP NOTES: CONTRACTOR TO VERIFY THAT THERE IS AT LEAST ONE CARBON MONOXIDE DETECTOR PER FLIGHT LIFT. PROVIDE INTERCONNECTED SMOKE AND CARBON MONOXIDE DETECTORS WHERE REQUIRED.		===== EXISTING DOOR TO REMAIN ===== NEW DOOR IN SIZE INDICATED IF DOOR IS NOTED "P" OR "C" THEN PROVIDE A FIRE RATED DOOR ===== EXISTING DOOR TO BE REMOVED		LIGHT RAILS ⚡ LIGHT SWITCH ⚡ 3-WAY LIGHT SWITCH ⚡ OUTLET ⚡ GFI OUTLET ☑ EXHAUST FAN TO OUTSIDE AIR WITH LIGHT NOTE: ALL ELECTRICAL IS EXISTING UNLESS NOTED OTHERWISE NOTE: PROVIDE GFI OUTLETS AT NEW BATHROOM AND KITCHEN COUNTERTOPS AND AIR FAULT FOR BEDROOMS	

Martina Tu

From: Fr. Victor <Rector@GraceChurchMiddletown.onmicrosoft.com>
Sent: Wednesday, November 20, 2024 9:42 AM
To: Martina Tu
Subject: Planning Board meeting Dec. 4, 2024

Deer planning board members,

I have received notice of a hearing about the permitting of a new business, a boutique, located at 42 North Street Middletown. I wish to point out that this location is already home to the Alloy Hair Studio.

Thank you for your time
Fr. Victor



The Rev. Victor J. Sarrazin
Rector

12 Depot Street
Middletown, NY. 10940
(845) 343-6101
FrVic.GraceMiddletown@gmail.com GraceChurchMiddletown.org

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 _____ 18 County Highway 78 _____
Section 54 Block 1 Lot 15 _____ Current Zoning District C-3 _____
Building _____ Existing X _____ New _____
2. Owner of Property _____ Anel Pyram/Fedeline Chery Pyram _____
Owner's Address _____ 137 Apple Lane Drive _____
City _____ Middletown _____ State _____ NY _____ Zip _____ 10940 _____
Phone numbers: Home: _____ 845-775-4250 _____
Business: _____
Cell: _____ 845-499-9429 _____
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 _____

Description of what you are requesting: Grocery Store and Take Out (beer, wine, cider, tobacco products, cigarettes). Hours: 6:00AM to 11:00PM daily.

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 _____

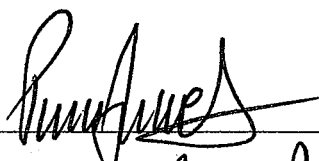
5. **Nonconforming Use.** In the area provided, list each use for which an expansion is sought and the reason therefore. State the current use and all conditions that presently exist and those

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: _____

Anel Pyram owner

Date: _____

4/11/24

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

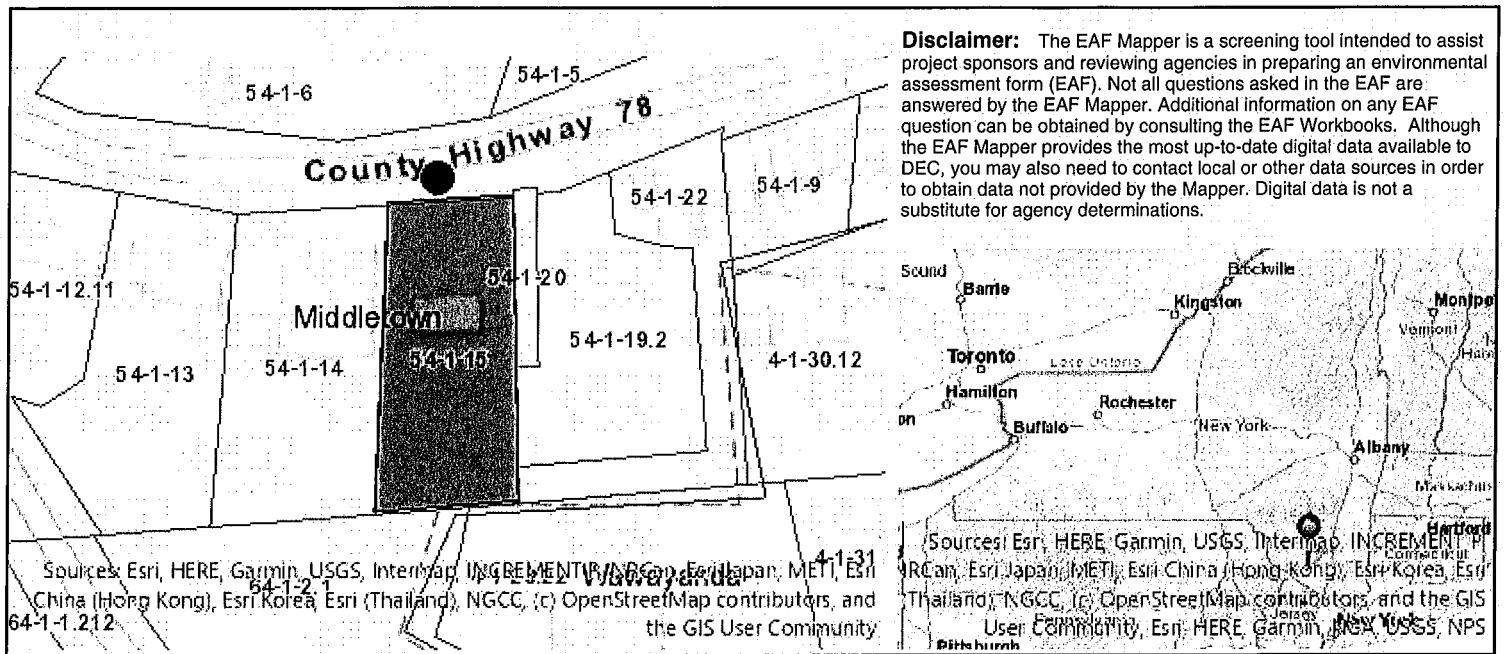
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Name of Action or Project: Nelly Mart LLC (Store/ Market and Gas station)			
Project Location (describe, and attach a location map): 18 County Highway 78 City of Middletown NY 10940			
Brief Description of Proposed Action: Open new store/market and gas station at an existing vacant building which previously had the same use as the proposed. Expectations are to open up the store first and then the gas pumps at a later time.			
Name of Applicant or Sponsor: Anel Pyram		Telephone: 845-499-9429 E-Mail: anelpyram133@gmail.com	
Address: 137 Apple Ln Drive			
City/PO: Middletown		State: NY	Zip Code: 10940
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.		NO ☒	YES ☐
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: City of middletown building department		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		1.1611 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.1611 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?	☐	☒	☐
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?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
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?	NO	YES	
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?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
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?	NO	YES	
	☒	☐	
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?	NO	YES	
	☐	☒	
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: _____ N/A _____ _____			

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? Indiana Bat	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? If Yes,	NO	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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: V00289 and 336029 see attached	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>JONATHAN USUBA, P.E.</u> Date: <u>10/20/2024</u>		
Signature: <u>[Signature]</u> Title: <u>PROF. ENR</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
DECInfoLocator

Administrative Information

Site Name: Middletown Landfill

Site Code: V00289

Program: Voluntary Cleanup Program

Classification: N *

EPA ID Number:

Location

DEC Region: 3

Address: Near 159 Dolson Avenue

City: Middletown **Zip:** 10940

County: Orange

Latitude: 41.427746

Longitude: -74.421782

Site Type:

Estimated Size: 18.45 Acres

Site Owner(s) and Operator(s)

Site Description

See also Site #336029 Site Location: The Middletown Landfill Site in an suburban portion of Orange County, NY. The site is located on 159 Dolson Avenue and is approximately 200 meters south of the shopping plaza on NY-17M in Middletown. Predominant Site Features: The landfill is not capped. The ash from an on-site incinerator was disposed of at the site. Current Site Use: The site still receives construction and demolition debris from town activities such as road cleaning, tree pruning, and catch basin cleaning. Surrounding Uses: The surrounding parcels are currently used for a combination of commercial and industrial. The nearest residential area is 300 meters from the site. Past Uses of the Site: The site was an active incinerator and landfill from 1952 to 1969, receiving municipal and commercial waste from the Town of Middletown.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

Hazardous Substances

Site Environmental Assessment

See Site #336029

Site Health Assessment

Hazardous waste deposition at the site has been confirmed and there is the potential for groundwater, soil, and surface water contamination due to leaching of material from the landfill. Limited surface water/sediment, groundwater, and surface soil sampling do not indicate any significant contamination. The testing of nearby residential drinking water supply wells in May 2000 indicates no impacts from the nearby landfill. Although the site is unfenced and the access road to the site is not secured, there is no evidence of trespassing. A recycling and ethanol production facility is proposed for construction on-site. Prior to construction, additional subsurface investigation is planned.

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

For more Information: E-mail Us

Refine This Search



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
DECInfoLocator

Administrative Information

Site Name: Middletown Dump

Site Code: 336029

Program: State Superfund Program

Classification: 03

EPA ID Number:

Location

DEC Region: 3

Address: Dolson Avenue (Route 17M)

City: Middletown **Zip:** 10940

County: Orange

Latitude: 41.427772

Longitude: -74.421159

Site Type: LANDFILL

Estimated Size: 22 Acres

Site Owner(s) and Operator(s)

Current Owner Name: City of Middletown

Current Owner(s) Address: City Hall

Middletown, NY, 10940

Current On-Site Operator: UNKNOWN3

Stated Operator(s) Address:

,ZZ

Hazardous Waste Disposal Period

From: 1952 **To:** 1969

Site Description

Location Description: The 20 acre site is located east of Dolson Avenue (NYS Rt. 17M), and adjacent to the City of Middletown's Wastewater Treatment Plant. **Site Features:** The landfill is not capped and

had an incinerator. The ash from the incinerator was disposed of at the site. Current Use: The site may still be receiving construction and demolition debris from town activities such as road cleaning, tree pruning, and catch basin cleaning. Surrounding Uses: Commercial, industrial and agricultural properties, and the City wastewater treatment works surround the land. Past Uses of the Site: This site was an active incinerator and landfill from 1952 to 1969, receiving municipal and commercial waste from the Town of Middletown. Approximately 450 tons of hazardous materials including benzene, toluene, ethanol, methanol, waste oil, and still bottom residues were transported to the landfill. Four hundred tons of the waste were incinerated, and the resulting ash was buried in the landfill. It is estimated that an additional 40 tons were incinerated and 10 tons were buried directly in to the landfill.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

COMBINATION OF F001 THROUGH F005 WASTES)

METHANOL (F003)

STILL BOTTOM RESIDUE (UNSPECIFIED, MAY BE ANY

TOLUENE (F005)

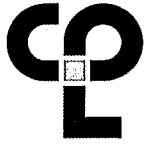
WASTE SOLVENTS

Site Environmental Assessment

A Phase I Investigation was completed in 1988. A Preliminary Site Assessment (PSA) was completed in 1993. Sampling conducted during the PSA included surface water, sediment, domestic well water, soil borings and groundwater. Sediment samples indicated low concentrations of methylene chloride and acetone, and one surface water sample indicated methylene chloride was present. The subsurface samples revealed one analyte, trichloroethane at 5ppb. In groundwater, two organic compounds were found exceeding NYS Class GA Groundwater Standards, 1-2 dichloroethene @ 36 ppb and trichloroethene @ 34 ppb. The levels of organic contamination found in groundwater are low and infrequent (only 1 of 4 wells showed exceedance of groundwater standard). The levels found do not represent a significant threat to the environment.

Site Health Assessment

Hazardous waste deposition at the site has been confirmed and there is the potential for groundwater, soil, and surface water contamination due to leaching of material from the landfill. Limited surface water/sediment, groundwater, and surface soil sampling do not indicate any significant contamination. The testing of nearby residential drinking water supply wells in May 2000 indicates no impacts from the nearby landfill. Although the site is unfenced and the access road to the site is not secured, there is no evidence of trespassing. A recycling and ethanol production facility is proposed for construction on-site. Prior to construction, additional subsurface investigation is planned.



MEMORANDUM

TO: Anthony Capozella, Chairman, Planning Board, City of Middletown

FROM: Christian T. Moore, P.E.

Cc: Martina Tu (*via email*)
Jacob Tawil, P.E. (*via email*)
Richard Croughan, Esq. (*via email*)

DATE: 11/12/2024

RE: Market / Gas Station Site Plan for Anel Pyram
18 Route 78, Tax Grid No. 54-1-15
CPL# R24.15689.09

We are in receipt of the following materials provided for review:

- Plans prepared by Jonathan Cella, P.E., dated 6/4//2024 (5 sheets)
- Short form EAF
- NYSDEC Site Remediation Search Details

Our comments are as follows:

1. The EAF should be signed and dated by the individual or firm which prepared it. Also, the site plans shall be signed and sealed by the preparing professional.
2. A timeline should be provided on when the gas pumps are expected to open. Any site improvements for the gas pumps and/or any subsurface tankage remediation or improvement need to be shown on the plans and described in the project narrative. Otherwise, this project would need to come back before the Planning Board for approval of the new site elements.
3. Verify that the existing water/sewer utilities are sufficiently sized for the reactivated use.
4. Two monitoring wells are shown on the survey; are there any identifying numbers or marks for these?
5. The method of denoting the 9 parking spaces in the front of the site needs to be defined; will it be striping only? Curbing?
6. Will there be sufficient room on site for gasoline tanker parking? The area for filling should be indicated.



7. Will there be any proposed improvements to the existing sign along Route 78?
8. Verify the width of the existing sidewalk along the building frontage suitable for ADA access.
9. Plan notes state that no new lighting is proposed at the time of this application. The plans need to demonstrate that sufficient site illumination exists, otherwise a site lighting plan should be prepared.
10. Vehicle turning movements are to be provided demonstrating the proposed dumpster location is accessible.
11. The handicapped drop curb detail shows a conflicting width, 4' on side view, and 5' on plan view.
12. Cleanouts for the sanitary sewer line should be shown, or if not present, should be provided.
13. The shutoff valve for the water service should be shown and brought to grade if not visible or accessible.
14. The floorplan indicates that food preparation areas are now proposed. Did the previous use include any food preparation? Is there a sufficiently sized grease trap/interceptor in place or proposed to handle this change?
15. Architectural renderings of any proposed building improvements should be submitted to the Board for their consideration.

We ask the Applicant to provide an item by item response to the above comments. Should you have any questions regarding this review, please do not hesitate to contact me at 845-686-2330 or by email at cmoore@cplteam.com.

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 27 Academy Ave Middletown NY 10940

Section 35 Block 7 Lot 18

Current Zoning District R-2

Building Existing _____ New _____

2. Owner of Property Hopes and Dreams Enterprise LLC

Owner's Address 22-26 Academy Avenue

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: 845-343-7501

Cell: _____

3. Applicant name James Dillon

If different from Owner

Applicants Address 94 Brook Rd

City Middletown State NY Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 845-978-8867

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: Additional Parking for
Employees

Uses currently in property: Empty Parking Lot

Title	Section Number	Required Dimensions	Actual Dimensions
Lot area	6850		
Front yard	50		
Rear yard	57		
Side yard	137		
Side yard	121.84		
Parking	6850		

Answer this section only for multiple dwellings

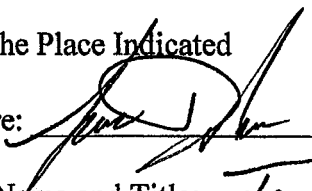
Lot coverage _____
Building height _____
Open Space _____
Playlot _____
Livable floor area _____
Number of Bedrooms _____

- 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.

Empty lot un used - Looking to provide parking
for Employees on already Existing
Paved Area.

- 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: James Dillon CFO

Date: 5-24-24

APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 8/7

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 23-27 W. Main St

Section 31 Block 10 Lot 15

Current Zoning District DMU

Building Existing ☒ New _____

2. Owner of Property KB Developers LLC

Owner's Address 6 Forest Ave

City Paramus State NY Zip 07652

Phone numbers: Home: _____

Business: _____

Cell: _____

3. Applicant name Julius Browne

If different from Owner

Applicants Address 408 Balsam Drive

City New Windsor State NY Zip 12553

Phone numbers: Home: _____

Business: _____

Cell: 845-214-5839

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 Bae / Lounge (Full Liquor Lic)

Description of what you are requesting: _____

Offering an upscale, contemporary Ambiance atmosphere
focusing on Infused Wine & cocktails with a variety of fingerfoods

Uses currently in property: _____

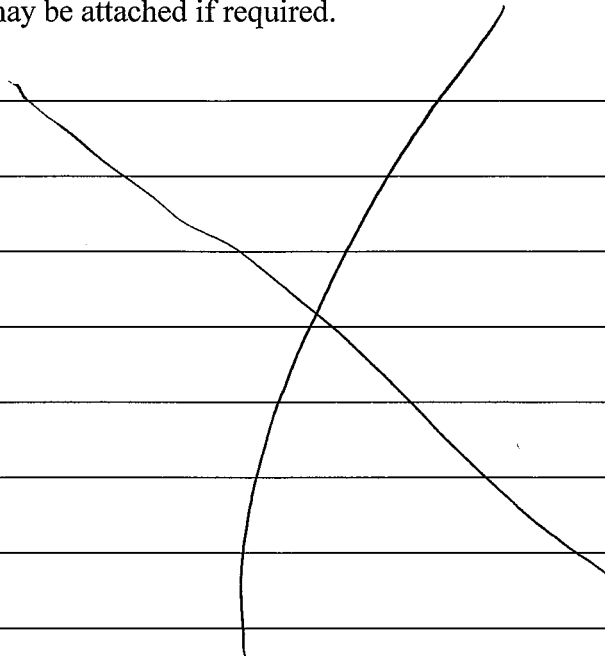
Vacant { Hours of operation
5-7 employees { m-Th 4pm - midnight
recorded music { F-S 4pm - 2am
Sunday 12pm - 11pm

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

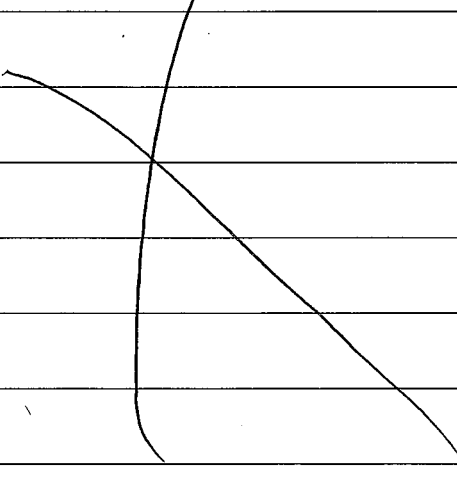
Answer this section only for multiple dwellings

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.

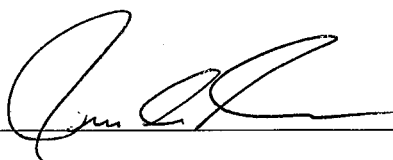


- 6. Fence and/or Parking Nonconformance.** In the area provided, list the reason(s) requested for all conditions which are not in conformance with the regulations. Indicated the requirement(s) and the amount of relief requested. Additional sheets may be attached if required.



- 7. Sign at the Place Indicated**

Signature: _____



Printed Name and Title: Julius Browne / Project Manager

Date: _____

8/7/2024

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Shay Malul being duly sworn, deposes and says that

he/she resides at 370 Willard Rd. Paramus, NJ 07652

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

owner in fee or Partner of the KB Developers LLC
OFFICIAL TITLE

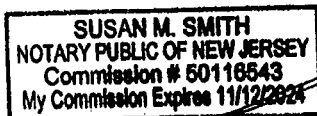
Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized Julius Browne to make the foregoing

application for approval as described herein.

Sworn before me this 8 day of August 2024

Susan M. Smith
Notary Public



[Signature]
OWNER'S SIGNATURE

Created With Tiny Scanner



SCALE: 1/8" = 1'-0"

MIDDLETOWN, NEW YORK

EXISTING FLOOR PLAN

CIRILLO
ARCHITECTS, P.C.

SIX COURTLAND STREET
MIDDLETOWN, N.Y. 10940
PHONE 845-344-1800
FAX NO. 845-344-4451
E-MAIL pcirillo@critiquearchitects.com

DATE:	SHT. No.
-------	----------

10-22-19

92019

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DWC.

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APPLICATION

PLANNING BOARD

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 9/30/24

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 157 Ddsen Ave Middletown NY 10940

Section 49 Block 1 Lot 2-21

Current Zoning District C-3

Building Existing ☒ New ☐

2. Owner of Property Kale Realty Corp

Owner's Address P.O Box 200

City Monsey State NY Zip 10952

Phone numbers: Home: _____

Business: _____

Cell: 845-425-9130

3. Applicant name Raquel / Alfred Acosta

If different from Owner
Applicants Address 367 Burlingham Rd

City Bloomhury State NY Zip 12726

Phone numbers: Home: 845-316-2098

Business: _____

Cell: 646-996-5860

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 property for which you are seeking a special use permit. Included all

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 the Ups Store

Description of what you are requesting: Printing, Shipping, mailbox,
Returns, etc.

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. **Noneconforming 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.

Parking available.

7. Sign at the Place Indicated

Signature: Raquel Acosta

Printed Name and Title: Raquel Acosta (Owner)

Date: 9/30/24

157 Dolson Ave.

