

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

February 01, 2023

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on February 1, 2023 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

Other Attendees: Richard J. Croughan, Planning Board Attorney; Theron Adkins, Fire Inspector; Walter Welch, Building Inspector; John Szarowski, Planning Board Engineer.

The Pledge of Allegiance was said.

Motion to approve the January 4, 2023 minutes by Mr. Higbie, seconded by Mr. Britto.

Motion passed. Minutes approved.

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

**Mayelin Reyes
100 North St
Beauty Supply Retail Store**

Mr. Capozella called for the applicant to come forward for their presentation. No one came forward. The Board agreed to continue meeting and then call for this applicant again during the meeting.

Universal Communication Network, Inc.
39-50 Dolson Avenue
Office building

Mr. Hu: Good evening, Chairman. Good evening, Board members.

My name is Jian Hu, architect for this project, the Dolson Avenue office project.

This is now our second time to be here. This is a two-story office building renovation project.

Mr. Capozella: Do me a favor. Let me open the public hearing because you're here officially this evening just for that reason, for a public hearing; okay?

Mr. Croughan: Do you have any plans with you that you can put up?

Mr. Hu: I only have 11" x 17" printout, but I guess everyone has a small set.

Mr. Croughan: Okay.

Mr. Hu: I'm sorry. I don't have --

Mr. Capozella: So just before you move on, Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. We can open the public hearing. Go ahead.

The public hearing was opened.

Mr. Hu: Okay. Thank you. This is a two-story office building renovation. We have proposed a studio, adding a studio on the second floor, which is about 3,000 sq.ft., and we have suspended lobby area on the south wing, so the total square footage is bigger than previous existing building.

And we do have two updates since the last meeting. One is parking laid out. We modified the parking layout for better stormwater design. Second update is we would like to keep two existing entrances getting to the lots. That's the only updates we have here.

We did submittal, and we got feedback from Town Engineer. John, thank you for that.

We don't have enough time to prepare all the materials for this meeting yet, but I would like to take this opportunity to confirm a couple of items here, so can

I -- so, I don't know if everyone has comments for this project?

Mr. Croughan: Well, John can go over his comments.

Mr. Hu: Okay.

Mr. Croughan: But maybe first see if anyone from the public would like to comment on it.

Mr. Capozella: Anyone presenting wishing to step forward and comment on this application? Yes, sir. Please step up to the mic. Just state your name for the record, please, sir.

Mr. Halberstan: Hi. My name is Sinai Halberstan.

Mr. Capozella: Thank you. And you have a comment?

Mr. Halberstan: We're just next door neighbors, and we would like to hear what's being done to next door building, and our lot is going right in back of that lot, so we'd like to know what's -- have some information, the drawing, or whatever. There's nothing online to see what's going on.

Mr. Capozella: Okay.

Mr. Croughan: Which property are you concerned with? To the right of them or to the left?

Mr. Halberstan: Lot 8 we have, and I think 3.2. 37 Dolson. 35-37 Dolson.

Mr. Croughan: Okay. Do you have drawings in front that you could show him?

Mr. Hu: Sure. We have (inaudible) to show the neighbor on the north part of the property, I guess (inaudible) is always there; right? That's (inaudible)?

Mr. Halberstan: Correct.

Mr. Hu: That's a neighbor here. We have about 20 feet gaps here between two (inaudible), so our property line is right there, which is (inaudible) footprint of the building.

Mr. Halberstan: Correct. And what about this lot?

Mr. Hu: Oh, this part is not on our property, so we didn't do anything for something beyond our property.

Mr. Halberstan: Okay.

Mr. Hu: Basically, the back yard area we'll keep as is existing or (inaudible) wall, the wall, exterior wall.

Mr. Halberstan: So the back parking lot in back of your building is staying the same.

Mr. Hu: It's still the same. We didn't use that. Instead, we're doing some parking layout in our parking lot.

Mr. Halberstan: In back of the old property, over there where the woods are now.

Mr. Hu: The woods is (inaudible), so we did something new, but it doesn't impact the existing parking lot.

Mr. Halberstan: All right. That's what I want to make sure.

Mr. Hu: Yeah, sure. No problem.

Mr. Croughan: Are you okay? Are you okay?

Mr. Capozella: Do me a favor and just show me what property you were talking about.

Mr. Hu: Sure. Our neighbor is here. That's also existing building. If you see our property line here adjacent to --

Mr. Capozella: So this gentleman owns this parcel right here?

Mr. Halberstan: Correct. And where's the back?

Mr. Capozella: This is the back of the property.

Mr. Hu: That's our backyard.

Mr. Halberstan: Okay. So this --

Mr. Hu: Our property is here. Whatever's in this line, both lines, that's in our scope. Beyond that --

Mr. Halberstan: Is this an existing building?

Mr. Hu: No. That's addition. Addition. That's existing. You can see the footprint.

Mr. Halberstan: Okay. So this is the property I'm talking about, this existing parking.

Mr. Hu: Right. No disturbance for that.

Mr. Capozella: Okay. Good.

Mr. Hu: Great. Thank you.

Mr. Capozella: See this parcel right here where there's parking on there already which won't be any disturbance because it's not -- they won't be rebuilding here.

Mr. Croughan: Okay.

Mr. Capozella: Okay?

Mr. Croughan: Just check and see if anyone online has come.

Mr. Capozella: Yes. Ms. Hansen, is anyone online?

Ms. Hansen: Not at this time.

Mr. Capozella: Thank you. Thanks. Forgot.

Mr. Croughan: Keep it open.

Mr. Capozella: Yup.

Mr. Croughan: John, do you have comments?

Mr. Szarowski: Yeah. I prepared a set of comments for this particular one. It's a little early in the design phase, so there's a lot of outstanding issues.

The big thing really is that any kind of utility work or design work

associated with stormwater needs to be done by a licensed engineer. I don't know if you have somebody on staff with -- that's a P.E.

Mr. Hu: We do.

Mr. Szarowski: Okay. So I'll need to see that stamp on the drawing at some point as you get through.

Mr. Hu: Okay. Sure.

Mr. Szarowski: You need to do a full Stormwater Pollution Prevention Plan. If you need help on that, I can send you some examples of one, but I would hope your engineer would know what that involves.

Mr. Hu: Sure. Thank you.

Mr. Szarowski: The traffic study was prepared. The parking spaces were adjusted in that, so they are now the 9' x 18' parking spaces, and that's what's shown on the plans. The parking was adjusted from the previous submission where now at set angle it fits better to the contours. That came out of the work session we had a few weeks ago.

I would like to see though some work done on the stormwater collection system. There's no rims. You've got pipes shown, but there's no real detail to it yet.

Specifically though, as you get toward the stream, you're running out of grade, and the other thing too is you've used -- your surveyor used Google Earth Pro for the contours. I would think you'd want something a little more --

Mr. Hu: Yeah. Okay. I'll check with him.

Mr. Szarowski: -- a little more real than that.

Mr. Hu: Okay.

Mr. Szarowski: Especially when it's coming to designing stormwater and things like -- you're running out of space really quick heading to the brick. Pitch-wise, you don't have a lot of room.

Mr. Hu: Okay.

Mr. Szarowski: There's a bunch of small plan comments on there. Was an EAF

submitted? I didn't receive it if it was.

Mr. Hu: We didn't yet.

Mr. Szarowski: Okay. So that will be needed.

Mr. Hu: Yes.

Mr. Szarowski: Yeah. And you might want to check truck movement. I think you're okay for like -- oh, the dumpster. Locate a dumpster too for me. We had talked about the dumpster in the back.

Mr. Hu: Yeah.

Mr. Szarowski: You didn't show it on the plans though.

Mr. Hu: I'll show that.

Mr. Szarowski: Okay?

Mr. Hu: Yeah.

Mr. Szarowski: That's pretty much --

Mr. Hu: One point. Could I clarify Point 5 that we don't have sprinkler for sure. We proposed building have 3A, Group B, so our limit for non-sprinkler building, our limit is 65 feet high, (inaudible), 28, (inaudible) 500 sq.ft.

Mr. Szarowski: Okay. That's not my call. That's the Fire --

Mr. Hu: Oh, sure. I just want to --

Mr. Szarowski: I was just saying if you've got to change the waterline, let me know, because that affects things.

Mr. Hu: Okay. Thank you.

Mr. Szarowski: That's off. You need to upsize the water service to the building for sprinklers then, but that's not my call. That's the Fire --

Mr. Hu: Sure. I'll prepare all the material requested and submit it.

Mr. Szarowski: Okay. And then lots of details.

Mr. Hu: Yeah.

Mr. Szarowski: Wonderful lighting plan, but I need the rest.

Mr. Hu: Okay. Thank you. We will.

Mr. Croughan: John, your comments about the sending the plans to DOT.

Mr. Szarowski: Yeah. It's about the entrance because you have a double striped line, and that is 17M right in front of the building.

Mr. Croughan: Who submits that?

Mr. Szarowski: The Planning Board is part of the SEQR process would, for lead agency, if you've already done that, that should've gone to the DOT because it's on there.

Mr. Capozella: We haven't done that.

Mr. Szarowski: Okay. When you do that, then there'll be an involved possible use. You'll submit to them as an involved agency, and then we would ask that the plans be submitted, because it is a change of use. We're maintaining the two existing entrances, but the DOT gets funny about that, so --

Mr. Capozella: Okay. We have to research that a little bit.

Mr. Szarowski: Yes.

Mr. Capozella: We started that research, and we've been informed by our Corporation Counsel that we may not have to submit to the DOT.

Mr. Szarowski: Okay.

Mr. Capozella: Because even though they claim to own it, the City of Middletown maintains it, so he thinks any County or State road that is maintained within the City limits by the City of Middletown, we do not have to submit to them.

Mr. Szarowski: Okay.

Mr. Capozella: We're going to double check that.

Mr. Szarowski: Yeah, please.

Mr. Capozella: Okay.

Mr. Szarowski: I've had that. I've run into them in a couple of villages and cities that I've represented, that they sometimes assert their dominance there or dominion.

Mr. Capozella: Okay.

Mr. Szarowski: And sometimes they don't.

Mr. Capozella: All right. Well, we'll verify and make sure that we tell you and the applicant exactly what we have to do.

Mr. Szarowski: Okay. That sounds great.

Mr. Capozella: All right. Anyone online, Ms. Hansen?

Ms. Hansen: Not at this time.

Mr. Capozella: Okay. I forgot to ask Ms. Tu, do we have anything in writing? Did anybody submit anything in writing for the public hearing?

Ms. Tu: Nothing in writing.

Mr. Capozella: Okay. Well, I'll go to the Board members. Any questions or comments? Obviously, you see our engineer is involved, and we won't do anything until we get a clear bill of health from our engineer.

Ms. Hewson?

Ms. Hewson: Just a couple of questions. Are you moving your headquarters to this particular location?

Mr. Hu: No. Headquarters is in New York City.

Ms. Hewson: New York City.

Mr. Hu: But here is a lot of workers, local workers.

Ms. Hewson: Your satellite location.

Mr. Hu: Yeah.

Ms. Hewson: How many employees will you have?

Mr. Hu: You mean headquarters or here?

Ms. Hewson: Here. Sorry.

Mr. Hu: Here. I know some people are already working from, remotely from home or other offices. I don't know the exact number, but some friends check with me, so I guess there are 20 to 30 remote workers here.

Ms. Hewson: 2,230?

Mr. Hu: No. Twenty to 30. That's the people I know. Beyond that, I don't know.

Ms. Hewson: Oh, 22 to 30 people. I'm sorry.

Mr. Hu: Yeah. To be honest, I'm not the right person to answer this question.

Ms. Hewson: That's okay.

Mr. Hu: I'm not the owner, but I can check with them.

Ms. Hewson: Less than 200.

Mr. Hu: Oh, yeah, right. This is supposed to accommodate 200 to 300 people.

Ms. Hewson: My question was just in reference to parking to make sure you had enough spaces for all of your employees. Thank you.

Mr. Hu: That we comply with the Zoning Code.

Ms. Hewson: And will you be open 24 hours a day?

Mr. Hu: For news, we do production. Yes.

Ms. Hewson: Okay. And one other question was are you planning on putting any like antenna or new communications equipment on the roof?

Mr. Hu: I have to get back to you later. I can't answer that question for now, but I'll check with that.

Ms. Hewson: Thank you.

Mr. Hu: Thank you.

Mr. Capozella: Any other Board members? Okay.

Mr. Croughan: Theron, any concerns? Walt, any concerns?

Mr. Welch: It's too vague right now.

Mr. Capozella: Okay. All right. Well, we're in the preliminary stages. That's what we're here for.

So we're going to keep the public hearing open, all right, until you can resolve all of your engineering issues and come back with plans, so it'll be an ongoing process.

Mr. Croughan: You'll have to submit the EAF form.

Mr. Hu: I will.

Mr. Croughan: And when that's done, we can possibly do lead agency.

Mr. Capozella: Right.

Mr. Hu: Okay.

Mr. Capozella: Okay? And we'll do a Neg Dec. We'll do everything once we get all the information.

All right. I'm going to call for a motion for adjournment for future consideration.

Mr. Croughan: As far as the members of the public that are here, that means that the meeting is kept open. You would just have to look online to see when it's back on. There is no date for them to come back. They have to do their paperwork. Okay?

Motion by Ms. Hewson, seconded by Mr. Britto.

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

Mayelin Reyes
100 North Street
Beauty supply retail store

Mr. Capozella: I call again for Meylin Reyes, 100 North Street, beauty supply retail store.

Mr. Croughan: Ms. Tu, did they call or send any paperwork indicating that they wouldn't be here tonight?

Ms. Tu: No.

Mr. Adkins: I did a site visit with them two days ago.

Mr. Capozella: Okay.

Mr. Adkins: They were ready to go, so I'm not sure why they're not here, but they were ready to go, and, you know, they wanted to get me out there because they knew they were supposed to be here Wednesday, so --

Mr. Capozella: Yeah. We had indicated to them last week I think that we were moving forward.

Mr. Adkins: Yes.

Mr. Capozella: Okay.

Mr. Adkins: And they did understand that they were coming this Wednesday.

Mr. Capozella: Okay.

Ms. Tu: And they did their mailings.

Mr. Capozella: And they did do the mailings, okay, so they're --

Ms. Hewson: We'll give them the benefit of the doubt. Motion to approve -- motion for future consideration.

Mr. Capozella: No. I can't do anything. I can't even open the public hearing because they're not here, so we just have to wait till we can invite them again.

Ms. Hewson: Okay.

Mr. Capozella: No show. Anybody have anything else to discuss?
Okay. I'm going to call for a motion to adjourn.

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

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

Adjourned 7:20 p.m.

Respectfully Submitted,

Diane Genender, Transcriber