

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

March 01, 2023

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on March 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; Walter Welch, Building Inspector; John Szarowski, Planning Board Engineer.

The Pledge of Allegiance was said.

Motion to approve the February 1, 2023 minutes by Mr. Madden, 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 Street
Beauty supply retail store

Mr. Capozella: Introduce yourself, your name.

Ms. Reyes: My name is Mayelin Reyes.

Mr. Capozella: And what do you plan on doing?

Ms. Reyes: I'm trying to open a beauty supply store at 100 North Street.

Mr. Capozella: Okay. We're going to open the public hearing. Anyone here wishing to step forward and speak on this application?

The public hearing was opened.

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

Ms. Tu: Yes, we do.

Mr. Capozella: And do we have anything in writing?

Ms. Tu: Nothing in writing.

Mr. Capozella: Okay. Then we'll move on to the Board for any questions, comments, or concerns. Okay.

Could you give us your hours of operation, please?

Ms. Reyes: We'll be open 8:30 to 4:30.

Mr. Capozella: 8:00 to 4:30 daily?

Ms. Reyes: Six days a week. Sunday we'll be closed.

Mr. Capozella: Sunday closed.

Ms. Reyes: Yes.

Mr. Capozella: Okay. Going back to the public. Anyone wishing to step forward, comment on this application?

I'm going to close the public hearing, and I'm going to give the Board one more chance, any questions, comments, or concerns.

The public hearing was closed.

Mr. Capozella: Yes, Ms. Witt.

Ms. Witt: Hi. Welcome. What will be your business name?

Ms. Reyes: My business is going to be NCA Beauty Products.

Ms. Witt: NCA Beauty Products?

Ms. Reyes: Supplies. Yes.

Ms. Witt: Okay.

Mr. Capozella: Keep in mind this is a retail establishment. They'll be selling products. And since no one else has any comments or concerns --

Ms. Hewson: I do.

Mr. Capozella: Oh, I'm sorry. Ms. Hewson.

Ms. Hewson: I just had a quick question about what you're selling. Will there be any chemicals that our Fire Inspector needs to know about as far as, I don't know if you sell like things for permanents or --

Ms. Reyes: Not flammable. No.

Ms. Hewson: No.

Mr. Croughan: Walt, any concerns?

Mr. Welch: No, sir. None at all.

Mr. Capozella: I don't think Mr. Adkins had any or else he would've --

Mr. Croughan: Yeah. You said he had no notes on tonight.

Mr. Capozella: Okay. Great.

On the resolution for Mayelin Reyes, 100 North Street, beauty supply retail store with hours of operation of Monday through Saturday, 8:00 a.m. to 4:30 p.m. They'll be closed on Sunday. Subject to City of Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if applicable.

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

Whereas: Pursuant to the City of Middletown Code: Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-(6), unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void. If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval.

Whereas: This application is located in the DMU Zone:

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

Therefore: Applicants must submit and receive approval from the Architectural Review Board for all façade work, exterior work in general, and exterior signage.

Therefore: And the Planning Board will waive parking regulations.

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

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

Jennifer Livesey
6 Courtland Street
Charcuterie assembly/pick up only location

Mr. Capozella: Good evening.

Ms. Livesey: Good evening.

Mr. Cirilo: Good evening.

Mr. Capozella: Please introduce yourself.

Mr. Cirilo: Peter Cirilo.

Ms. Livesey: Jennifer Livesey.

Mr. Capozella: And give us your intentions.

Mr. Cirilo: Well, our proposal is to take part of my office located at 6 Courtland Street on the main floor, it's currently a mixed-use building, and take about 274 sq.ft., which is my existing lunch room and a portion of an office, to create charcuterie assembly and pickup location.

There will be no cooking on-site, and I did have Mr. Welch and Mr. Adkins at the building. At the time, they had no issues.

Mr. Capozella: Great. All right.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Do we have anything in writing?

Ms. Tu: Nothing in writing.

Mr. Capozella: I'll open the public hearing. Anyone present wishing to step forward and comment on this application, please step forward.

The public hearing was opened.

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

Mr. Croughan: Do we have hours of operation?

Mr. Capozella: We don't, but I can ask. Hours of operation.

Ms. Livesey: Seven days a week, 8:00 to 4:00.

Mr. Capozella: And that was daily; right?

Ms. Livesey: Yes.

Ms. Hewson: Are those the same hours of operation as Mr. Cirilo's business?

Ms. Livesey: No.

Ms. Hewson: No. Okay.

Mr. Capozella: Since it's going to be -- I know it's going to be pickup only.

Ms. Livesey: Yes.

Mr. Capozella: Do you need to extend those hours for any reason? I mean, we're just looking so that you don't have to come back and do any extensions because it could be a pickup after 4:00 p.m. possible.

Ms. Livesey: Yeah. I could extend it 8:00 to 8:00, but --

Mr. Capozella: I mean, yeah, just so that --

Ms. Livesey: It's really just -- I'll only be there if I have an order to prepare and someone's picking it up.

Mr. Capozella: Correct. Right. That's the way I understood it.

Ms. Livesey: I won't be there all those times, and it's not like people will be coming in and out.

Mr. Capozella: I mean, it doesn't really hurt us because it's separate from the building, the architectural firm, so it doesn't matter, but this way if you happen to be working there, it's not an issue.

Ms. Livesey: Okay. Thank you. Yes. I would extend that.

Mr. Capozella: So I'm going to make it 8:00 a.m. to 8:00 p.m.; okay?

Ms. Livesey: Thank you.

Mr. Cirilo: Just on that note, there's a common entry into the building, and then there would be a separate entry into her space and my space.

Ms. Livesey: Each office. And the tenant.

Mr. Capozella: As long as you -- it looks like there's a door there that separates the two spaces though.

Ms. Livesey: It's just a lobby.

Mr. Capozella: The lobby, right.

Ms. Livesey: Yeah.

Mr. Capozella: But there's a door into the charcuterie, and there's a door into your facility; right?

Mr. Cirilo: Separate, locked.

Mr. Capozella: Separate entrances, common foyer.

Mr. Cirilo: Yup.

Ms. Livesey: Common foyer.

Mr. Capozella: That's okay.

Mr. Cirilo: That foyer also is to the single bedroom apartment upstairs.

Mr. Capozella: But the 8:00 a.m. to 8:00 p.m. would allow anyone to do a pickup to only enter the charcuterie.

Ms. Livesey: Yes.

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

Ms. Witt: What is your company name? What will you go by?

Ms. Livesey: I'm still filing for a C-corp, so I don't have the final name.

Ms. Witt: Okay. And it will just be yourself, or do you have more than one --

Ms. Livesey: Just me.

Ms. Witt: Just you? Okay.

Ms. Livesey: Sometimes I make my kids help me.

Ms. Witt: Of course.

Mr. Capozella: Okay.

Mr. Croughan: Walt, any concerns?

Mr. Welch: No. I was there with Theron. Everything's fine.

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

The public hearing was closed.

Mr. Capozella: Go back to the Board one more time for any thoughts.

Mr. Croughan: Are we going to incorporate into that that it's built in substantial accordance with the submitted plans because they did have to enclose it?

Mr. Capozella: I can do that.

Mr. Cirilo: On that note, I will have to do a construction set to submit to the Building Department, so wouldn't those plans be really the plans?

Mr. Capozella: Well, what happens is this goes into our Planning Board file. We're just making this document part of the resolution.

Mr. Cirilo: Okay. There's always little tweaks from me, you know, a design to a construction.

Mr. Capozella: We understand, and you won't build it unless, according to this, the DPW and the Middletown Fire Department are happy. You won't get your CO anyway. How's that?

Mr. Cirilo: I have both Walt and Theron's cell phone numbers.

Mr. Capozella: There you go.

On the resolution for Jennifer Livesey, 6 Courtland Street, charcuterie assembly/pick up only location as per the plan submitted with hours of operation of 8:00 a.m. to 8:00 p.m. daily. Parking is waived. Subject to City of Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will

obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if applicable.

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

Whereas: Pursuant to the City of Middletown Code: Chapter 475, Article 4, Administration and Enforcement, Chapter 475-53, Paragraph E-(6), unless work is commenced and diligently prosecuted within six months and completed within two years of the date of granting a Special Use Permit, such Special Use Permit shall be null and void. If no work is done in the next six months, you need to send a letter or let the Board know that you're going to extend your approval.

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

Therefore: Applicants must submit and receive approval from the Architectural Review Board for all façade work, exterior work in general, and exterior signage.

Therefore: And the Planning Board will waive parking regulations.

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

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

Love Williams
19 North Street
Rental/sales of party supplies

Mr. Capozella: Good evening.

Ms. Williams: Hi.

Mr. Capozella: How you doing?

Ms. Williams: Good evening. My name is Love Williams, and I'm seeking permission to open an event rental and retail business on 19 North Street.

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

Ms. Tu: Yes, we do.

Mr. Capozella: Okay. I'm going to open the public hearing. Anyone present wishing to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: And I'll move on to the Board for any questions, comments, or concerns, and I want to make sure that we clarify something first; okay?

That this business is the rental and sales of party supplies.

Ms. Williams: Correct.

Mr. Capozella: The 19 North Street will not be the place for rent. There will be no parties held --

Mr. Croughan: Hosted.

Mr. Capozella: -- or hosted at this 19 North Street.

Ms. Williams: At all, no. Not at all.

Mr. Capozella: I just have to make that very clear.

Ms. Williams: Yes.

Mr. Capozella: It's very important to the Board, very important to the City; okay?

Ms. Williams: Absolutely.

Mr. Capozella: Any questions on that?

Mr. McCormack: There will be storage of the supplies? The supplies will be

stored there?

Ms. Williams: Yes. I do have a basement that I store the supplies.

Mr. Capozella: Okay.

Ms. Williams: Upstairs, I just display what I want to be seen to beautify the place. And my hours of operation are going to be Monday to Saturday, 9:00 a.m. to 6:00 p.m. Sometimes I might stay a little late because in case somebody rents something and they're returning it later, I would just come in and stay there a little later to receive it. Sundays I hope to be closed, but in case somebody rents and uses on Saturday and at the end of their party they want to return on Sunday, I will be open briefly to just receive whatever party rentals they could bring it in for me. Mostly they return on Sundays.

Mr. Capozella: All right. Well, to open it up and leave it wide open for you, you could be open daily, you know.

Ms. Williams: Okay.

Mr. Capozella: And then it's 9:00 a.m. start time.

Ms. Williams: Yes.

Mr. Capozella: Did you say 6:00 p.m. or --

Ms. Williams: 6:00 p.m.

Mr. Capozella: Do you need 7:00 p.m. or 8:00? I mean, just so that you have that leeway, like you said, if someone wants to return something, all the sudden wants to come and rent something.

Ms. Williams: Right.

Mr. Capozella: We don't want to --

Ms. Williams: I would like to push it to 8:00 p.m. to give myself that room.

Mr. Capozella: All right. 9:00 a.m. to 8:00 p.m., and I'm going to make it daily.

Ms. Williams: Sure. Works out perfect.

Mr. Capozella: Anything else from the Board, any other questions?

Ms. Hewson: Just a question about will you have a lot of like large trucks coming in to pick up supplies? Like I don't know what kind of supplies you're renting out where it might hold up traffic.

Ms. Williams: Not large. The biggest van I'll be using will be a Ford Transit kind of a size. Ford Transit.

Ms. Hewson: Okay.

Ms. Williams: And then I will park right in front of the store. That side of the lane I realize is not good to park there, so I will park across the street.

Ms. Hewson: Okay.

Ms. Williams: There's a little room there to just move the things in and out. That's it.

Ms. Hewson: Thank you.

Ms. Williams: You're welcome.

Mr. Capozella: Okay. Anything else from the Board?

Mr. Croughan: Walt, any concerns?

Mr. Welch: No. I was there, and Theron wasn't there because Theron's had an illness, but I was there just -- Monday was it? Friday or Monday?

Ms. Williams: Monday.

Mr. Welch: Monday. It's a nice place. Very nice.

Ms. Williams: Thank you. Thank you.

Mr. Welch: Nice and clean. Very nice.

Mr. Croughan: Thank you.

Mr. Welch: No issues.

Mr. Capozella: Okay.

Ms. Witt: What is the business name?

Ms. Williams: Zals Kreation Events.

Ms. Witt: (Inaudible).

Ms. Williams: Z-a-l, Kreation with a K, Events. Thank you.

Mr. Capozella: Okay. I'll go back to the public. Anyone wishing to step forward and comment on this application, please step forward.

Being none, I'm going to close the public hearing.

The public hearing was closed.

Mr. Capozella: Give the Board one more chance. Anything, comments, questions, concerns?

And again, to make it very clear, this place will not be hosting any events. It is only renting party and selling party supplies.

Ms. Williams: Yes. Correct.

Mr. Capozella: Okay.

Ms. Williams: The only event I'll be holding there in the next two weeks will be my grand opening. That's it.

Mr. Capozella: That's fine.

Ms. Williams: Thank you.

On the resolution for Love Williams, 19 North Street, a rental/sales of party supplies. No events will be hosted at this location. Parking is waived. Subject to City of Middletown DPW and City of Middletown Fire Department inspections and approvals and, when necessary, approval of the Commissioner of Public Works. The applicant will obtain all necessary permits and follow the permitting process, codes, and ordinances of the City of Middletown, County of Orange, and the State of New York, if applicable.

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Therefore: And the Planning Board will waive parking regulations.

Motion by Ms. Witt, seconded by Ms. Hewson.

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

Motion to adjourn by Mr. Madden, seconded by Ms. Hewson.

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

Adjourned 8:20 p.m.

Respectfully Submitted,

Diane Genender, Transcriber