

**CITY OF MIDDLETOWN
PLANNING BOARD
MINUTES**

September 6, 2023

A meeting of the Planning Board was held in the Common Council Chambers, City Hall, 16 James Street, Middletown, New York on September 6, 2023 at 7:00 P.M., Mr. Anthony Capozella presiding.

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

Members Absent: Gretchen Witt.

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

The Pledge of Allegiance was said.

Motion to approve the July 5, 2023 by Mr. Madden, seconded by Mr. Britto.

Motion passed. Minutes approved.

Motion to approve the August 2, 2023 minutes by Mr. Madden, seconded by Mr. McCormack.

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.

**Lori Arias
39 Railroad Avenue
Crossfit Boutique & Gym**

Mr. Capozella: State your name for the record.

Ms. Arias: Hi. I'm Lori Arias.

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

Ms. Arias: I currently own a Crossfit gym. It's True Grit Fitness, but we operate as Crossfit Takeback as a DBA, so we'd like to relocate. We've been open for -- we're going into our seventh year, and we'd like to relocate from the Town of Wallkill into 39 Railroad Avenue. It's a bigger space. It would have showers, and it would be a boutique. It's a boutique gym. We offer classes. Our hours, we start at 5:30 in the morning, and we usually end around 6:30 at night, but we might be able to extend those hours given a bigger space or a different clientele.

Mr. Capozella: Okay. We'll follow up on that in a moment.

Ms. Tu, do we have the mailings?

Ms. Tu: Yes, we do.

Mr. Capozella: Thank you. In that case, we're going to open the public hearing. Anyone present wishing to speak on this application, please step forward.

The public hearing was opened.

Mr. Capozella: Anyone from the Board, any questions, comments, or concerns?
Okay. So just for the record, I'm just going to go by your application.

Ms. Arias: Yup.

Mr. Capozella: It says you plan on being open Monday through Friday, 5:00 a.m. to 8:00 p.m.

Ms. Arias: Yes.

Mr. Capozella: Okay. And then Saturday and Sunday would be 7:00 a.m. to 10:00 a.m.

Ms. Arias: Yes.

Mr. Capozella: Is that correct?

Ms. Arias: Yes.

Mr. Capozella: Because we're going to put that in your resolution. That's the hours that we expect you to be open.

Ms. Arias: Okay.

Mr. Capozella: Okay?

Ms. Arias: So, I'm sorry, just to clarify, if I made a change to that, would I have to come back?

Mr. Capozella: Yes. So think about what you might want to do, and we can easily extend those hours right now, so whatever you think you want to do, let's do it right now.

Ms. Arias: Okay. Then let's extend those hours just in case. We could go like 7:00 to 4:00 on Saturdays, and let's do the same on Sundays.

Mr. Capozella: 7:00 a.m. to 4:00 p.m.?

Ms. Arias: 4:00 p.m.

Mr. Capozella: That's fine. And 5:00 a.m. to 8:00 p.m. Monday through Friday still good?

Ms. Arias: Yes.

Mr. Capozella: Okay. That's fine. Also, just for our transcriptionist for the record, Ms. Hewson is now present.

Ms. Hewson: Yes.

Mr. Capozella: No questions from the Board? No comments?

I'll go back to the public hearing one more time. Anyone present wishing to speak, please step forward.

Ms. Tu, I forgot to ask you. Do we have anything in writing?

Ms. Tu: No, we do not.

Mr. Capozella: Do we have anyone on the telephone?

Ms. Tu: No one on the telephone.

Mr. Capozella: Okay. We'll close the public hearing.

The public hearing was closed.

Mr. Croughan: Walter, any concerns?

Mr. Welch: No.

Mr. Croughan: And Theron, any concerns?

Mr. Adkins: Not at all.

Mr. Croughan: Great.

On the resolution for Lori Arias, 39 Railroad Avenue, Crossfit boutique gym. Parking is waived. Hours of operation will be Monday through Friday, 5:00 a.m. to 8:00 p.m., Saturday and Sunday, 7:00 a.m. to 4:00 p.m. 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.

Any items discussed in this application at the public hearing, board discussion, City inspectors', Planning Board engineer's and Planning Board attorney's recommendations will be part of the resolution and that's what you'll be held to.

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.

Basically, if you can't get your business up and running within a six-month period you have to send a letter to the Board with the reason why you need an extension.

Whereas this application is located in the DMU Zone, 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. Also, all façade work, exterior work in general, and exterior signage is

subject to the Architectural Review Board.

Motion by Mr. Britto, seconded by Mr. McCormack.

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

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

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

Adjourned 7:10 p.m.
Respectfully Submitted,
Diane Genender, Transcriber