



**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson
 Seconded by: Alderman Kleiner
 Date of Adoption: January 16, 2024
 Index No: 14-24

I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.

Richard P. McCormack
 Clerk to the Common Council

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

I hereby approve the attached Resolution/Local Law.

 Joseph M. DeStefano, Mayor

 Date

Authorization to Amend City Code to Allow Health and Fitness in the C-3 General Business Zoning District

WHEREAS, the City of Middletown has been presented with a proposal for a health and fitness facility in the C-3 General Business zoning district, and

WHEREAS, this particular use is currently allowed in the DMU, Limited General Business, Light Industrial, and Light Industrial/General Business zoning districts.

NOW, THEREFORE, BE IT RESOLVED, AND BE IT ORDAINED, by the Common Council of the City of Middletown, as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the

Planning Board, to read as follows:

(26) Health club or fitness facility which may include such facilities as weight-lifting equipment; indoor running tracks; swimming pools; tennis, squash or racquetball courts; exercise machines, such as treadmills and rowers; skating, roller or boxer rinks; and accessory facilities such as saunas, showers and locker rooms, but excluding any facility involving the use or discharge of firearms.

Section 2. This Ordinance shall take effect immediately.

Prepared by:

Attachments:

1. PH Notice Health and Fitness
2. PH Minutes Health and Fitness Zoning Amendment
3. PH Affidavit Zoning - Health and Fitness - C3
4. OC Planning Sign Off Health and Fitness

**CITY OF MIDDLETOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Middletown will hold a public hearing on Wednesday, January 3, 2024, on or as near to 4:30 p.m. as possible, Common Council Chambers, 2nd floor, 16 James Street, to hear any and all persons wishing to be heard on a proposed zoning amendment to read as follows:

Section 1. The Code of the City of Middletown, N.Y., Chapter 123, Zoning, as adopted March 27, 1967 and amended, be and is hereby further amended by adding a new Paragraph (26) to Subsection B, Uses requiring issuance of both a special use permit and site plan approval by the Planning Board, to read as follows:

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Section 2. This Ordinance shall take effect immediately.

The complete proposed zoning amendment is available in the office of the Common Council Clerk, City Hall, 16 James Street, room 12, and on the City Website.

Any and all persons wishing to be heard will be given an opportunity to speak either for or against the proposed zoning amendment.

For any person unable to participate at the time of the public hearing, email comments may be submitted in advance to rmccormack@middletownny.gov

By the order of the Common Council.

Richard P. McCormack
Clerk of the Common Council

Publish: 12/29/23 & 12/30/23
City Website

CITY OF MIDDLETOWN, NEW YORK
PUBLIC HEARING
January 3, 2024

The City Clerk opened the public hearing and read the following notice.

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Richard P. McCormack
Clerk of the Common Council
Publish: 12/29/23 & 12/30/23
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Attendance: Richard P. McCormack, City Clerk & Alderman Gerald Kleiner

Ald. Kleiner spoke in support of the change, noting that a fitness center used to exist in the same vicinity but on the Town of Wallkill, side and he saw no problem with expanding the zoning on the Middletown side to include such use.

Following Ald. Kleiner's comments, Mr. McCormack left the hearing open for ten minutes, with no additional speakers, the hearing was closed at 4:11 PM.

Respectfully submitted,

Richard P. McCormack
City Clerk

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

Richard McCormack
Kelly C
Middletown, City
16 James ST
Middletown NY 10940-5724

STATE OF NEW YORK, COUNTY OF ORANGE


The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Pike, PA and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

12/29/2023, 12/31/2023

and that the fees charged are legal.
Sworn to and subscribed before on 12/31/2023



Legal Clerk



Notary, State of WI, County of Brown
8.25.26

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

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By the order of the
Common Council.
Richard P. McCormack
Clerk of the Common Council





Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: City of Middletown City Council

Applicant: City of Middletown

Project Name: Zoning Change

Proposed Action: Local Law to include health and fitness facilities in the C-3 General Business zoning district.

Reason for County Review: Adoption or amendment of a local law.

Date of Full Statement: December 12, 2023

Referral ID #: MTC 06-23M

Tax Map #: City-wide.

Local File #: None provided.

Comments:

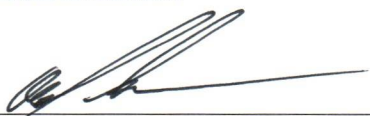
The Department of Planning has received the above referenced Local Law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval.

County Recommendation:

Date: December 13, 2023

Prepared by: Kate Schmidt
Planner

Local Determination



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

