

# Agenda

# City of Middletown Zoning Board of Appeals

December 14, 2016

7:00 PM to 9:00 PM

Common Council Chambers

**Meeting called by:**

Joel Sierra, Chairman

**Clerk:**

Martina Tu

**Members:**

Joel Sierra, Deborah Clark, Don Luis, Nicholas Barber, Randy MacLean

Approval of November 16, 2016 minutes

11-13 Monhagen Avenue

JMSR, Inc.

Use variance: 4-family dwelling in I-1 zoning district

28 Houston Avenue

Pasab Estates, LLC

5-year extension to comply with Amortization Ordinance

86 Grand Avenue

Jose Rios

Area variance for a carport

# APPLICATION

## ZONING BOARD OF APPEALS

### City of Middletown, New York

Date deemed complete \_\_\_\_\_  
Accepted by \_\_\_\_\_

Date 11/ /2016

*Items 1, 2 and 3 are required to be completed*

1. Address of Subject Property 28 Houston Avenue

Section 36 Block 13 Lot 4 Current Zoning District R-2

Building: Existing x New \_\_\_\_\_

2. Owner of Property Pasab Estates LLC

Owner's Address PO Box 871

City Monsey State NY Zip 10952

Phone numbers: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

3. Applicant name \_\_\_\_\_

*If different from Owner*

Applicants Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone numbers: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

4. **AREA VARIANCE.** An appeal is requested from the Zoning Board of Appeals to the Zoning Ordinance, Section 475 of the Code of the City of Middletown. Indicate the Article,

Section, Subsection, Paragraph, Subparagraph and Title of the Section that are the subject of the appeal. Indicate the necessary amount of relief requested. Additional sheets may be attached if more space is necessary.

| Section | Required Dimension | Actual Dimension | Variance Requesting |
|---------|--------------------|------------------|---------------------|
| a.      | _____              |                  |                     |
| b.      | _____              |                  |                     |

The Zoning Board of Appeals, shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances, as defined herein. The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider whether:

- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and
- (c) The requested area variance is substantial; and
- (d) The proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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5. **USE VARIANCE.** Indicate on a separate piece of paper the specific reason(s) that the variance is necessary. All concerns listed below must to be addressed.



request, and the person or agency making the original determination. Additional sheets may be attached if more space is required.

475-44(J)(4) - Five year extension to convert from 4 apartment building to 2 apartment building.

7. **SIGN ORDINANCE.** Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

| Section/<br>Title | Required<br>Dimension | Actual<br>Dimension | Variance required |
|-------------------|-----------------------|---------------------|-------------------|
|-------------------|-----------------------|---------------------|-------------------|

8. Sign at the place indicated and print name.

Signature of applicant

Printed name and title

Date

*S. Appel*  
Samuel Appel, Sol Member of Pasab Estates  
1/13/16



55 Union Rd Spring Valley, NY 10977

Tel: 845-367-7470

Fax: 888-249-7748

November 7, 2016

RE: 28 Houston Avenue, Middletown, New York

Gentlemen:

We are a real estate brokerage firm that provides real estate brokerages services in the City of Middletown on a regular basis. We are familiar with the property known as 28 Houston Avenue, Middletown, New York and we are also familiar with the real estate market in the City of Middletown, including the real estate rental market. Based upon our experience, we hereby advise you of the following:

1. We would expect that a 3 bedroom apartment within the building 28 Houston Avenue could be rented for a monthly rental of approximately \$1,250.00. In the event that a building had two three bedroom apartments we would expect that each apartment could be rented for \$1,250.00.

2. In my experience, the property known as 28 Houston Avenue, Middletown, New York, has a fair market value today of \$180,000.00 assuming that the building could continue as a multi-family rental property, with four apartments as the building now exists.

It is my further opinion, that if the building were converted from four apartments, to a two family house with one three bedroom apartment on each of the first floor and the second floor, the building after renovation would have a fair market value of approximately \$100,000.00.

Accordingly, in my opinion, by converting the building from a four family apartment building to a two family apartment building, the fair market value of the building would be \$80,000.00 less than the fair market value as of today's date as a four family apartment building.

Please call me if you have any questions or should you require anything further.

Very truly yours,

Moshe Schwartz  
Equivest Realty Group Inc.  
Licensed Real Estate Associate Broker  
License No. 10301213426

Mr. Do It All Duct Cleaning

PO Box 147  
Monsey, NY 10952

# Quote

| Date      | Quote # |
|-----------|---------|
| 9/26/2016 | 1       |

|   |
|---|
| Name / Address:   |
| Pasab Estates LLC<br>28 Houston Ave<br>Middletown, NY 10940 |

| Rep | Project |
|-----|---------|
|     |         |

| Description  | Qty | Total                    |
|--|-----|--------------------------|
| Converting top floor into a one 3 Bedroom (at Apt # 3 we will be Installing new entry , removing kitchen & wall , extending bedroom wall ,Apt # 4 will remove wall from small bedroom & restructure , spackle & repaint , new floors ) |     | 24,627.00                |
| Converting 1st floor into a one 3 Bedroom (at Apt # 3 we will be Installing new entry , removing kitchen & wall , extending bedroom wall ,Apt # 4 will remove wall from small bedroom & restructure , spackle & repaint , new floors ) |     | 25,844.00                |
| Thank you for your business.   |     | <b>Total</b> \$50,471.00 |

**28 Houston Avenue**  
**Cash Flow Statement**  
**Current Occupancy**

Receipts

|                               |                    |
|-------------------------------|--------------------|
| Apartment #1 (\$800.00/month) | \$ 9,600.00        |
| Apartment #2 (\$815.00/month) | \$ 9,780.00        |
| Apartment #3 (\$945.00/month) | \$ 11,340.00       |
| Apartment #4 (\$825.00/month) | <u>\$ 9,900.00</u> |

Total Income \$ 40,620.00

Disbursements

|   |                 |
|---|-----------------|
| Principal Payments (\$90,000.00 Mortgage) | \$ 1,461.24     |
| Interest - Mortgage                       | 4,416.00        |
| Escrow Payment - Taxes                    | 6,231.36        |
| Insurance                                 | 1,200.00        |
| Permits                                   | 120.00          |
| Utilities                                 | 1,229.00        |
| Water and Sewer                           | 2,645.56        |
| Oil                                       | 4,289.94        |
| Repairs and Maintenance                   | <u>5,867.00</u> |

Total Expenses \$ 27,460.10

Positive Cash Flow - Annual \$ 13,160.00

**28 Houston Avenue**  
**Projected Cash Flow Statement**  
**2-Family**

Receipts

|                                 |                  |
|---------------------------------|------------------|
| Apartment #1 (\$1,250.00/month) | \$ 15,000.00     |
| Apartment #2 (\$1,250.00/month) | <u>15,000.00</u> |

|              |                     |
|--------------|---------------------|
| Total Income | <u>\$ 30,000.00</u> |
|--------------|---------------------|

|  |                     |
|--|---------------------|
| <u>Disbursements</u> - Same as Current | <u>\$ 27,460.10</u> |
|--|---------------------|

|                    |             |
|--------------------|-------------|
| Positive Cash Flow | \$ 2,540.00 |
|--------------------|-------------|

Difference After Conversion:

|                   |                 |
|-------------------|-----------------|
| 4 Family Building | \$ 13,160.00    |
| 2 Family Building | <u>2,540.00</u> |

|                         |                     |
|-------------------------|---------------------|
| Lost Cash Flow - Annual | <u>\$ 10,620.00</u> |
|-------------------------|---------------------|

Fair Market Value - Conversion:

|                   |                     |
|-------------------|---------------------|
| 4 Family Building | \$180,000.00        |
| 2 Family Building | <u>\$100,000.00</u> |

|            |              |
|------------|--------------|
| Lost Value | \$ 80,000.00 |
|------------|--------------|

Property Investment

|  |                        |
|--|------------------------|
| Purchase Price                           | \$120,000.00           |
| Closing Costs - Renovations              | <u>11,550.00</u>       |
| Original Investment                      | \$131,550.00           |
| Costs to Convert (See Attached Estimate) | <u>50,471.00</u>       |
| New Investment                           | \$182,021.00           |
| Compare - Fair Market Value (2 Family)   | <u>\$100,000.00</u>    |
| Investment vs. FMV - Difference (Loss)   | (\$ <u>82,021.00</u> ) |

# APPLICATION

## ZONING BOARD OF APPEALS

### City of Middletown, New York

Date deemed complete 11-9-16  
Accepted by WCV

Date OCT. 28, 2016

*Items 1, 2 and 3 are required to be completed*

1. Address of Subject Property 86 GRAND AVE. MIDDLETOWN NY 10940

Section 27 Block 8 Lot 11

Current Zoning District R1

Building: Existing  New

2. Owner of Property JOSE RIOS

Owner's Address 86 GRAND AVE.

City MIDDLETOWN State NY Zip 10940

Phone numbers: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Cell: 845 649-0201

3. Applicant name \_\_\_\_\_

*If different from Owner*

Applicants Address \_\_\_\_\_

City \_\_\_\_\_ State N Zip \_\_\_\_\_

Phone numbers: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

4. **AREA VARIANCE.** An appeal is requested from the Zoning Board of Appeals to the Zoning Ordinance, Section 475 of the Code of the City of Middletown. Indicate the Article, Section, Subsection, Paragraph, Subparagraph and Title of the Section that are the subject of the appeal. Indicate the necessary amount of relief requested. Additional sheets may be attached if more space is necessary.

|    | Section | Required Dimension | Actual Dimension | Variance Requesting |
|----|---------|--------------------|------------------|---------------------|
| a. |         | 5 ft               | 1.5 ft           | 3.5 ft              |
| b. |         |                    |                  |                     |

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**6. AN INTERPRETATION OF THE ZONING ORDINANCE.** Explain the circumstances of the Section in question, the Title of the Section, the nature of the request, and the person or agency making the original determination. Additional sheets may be attached if more space is required.

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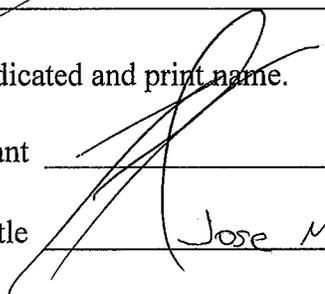
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**7. SIGN ORDINANCE.** Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

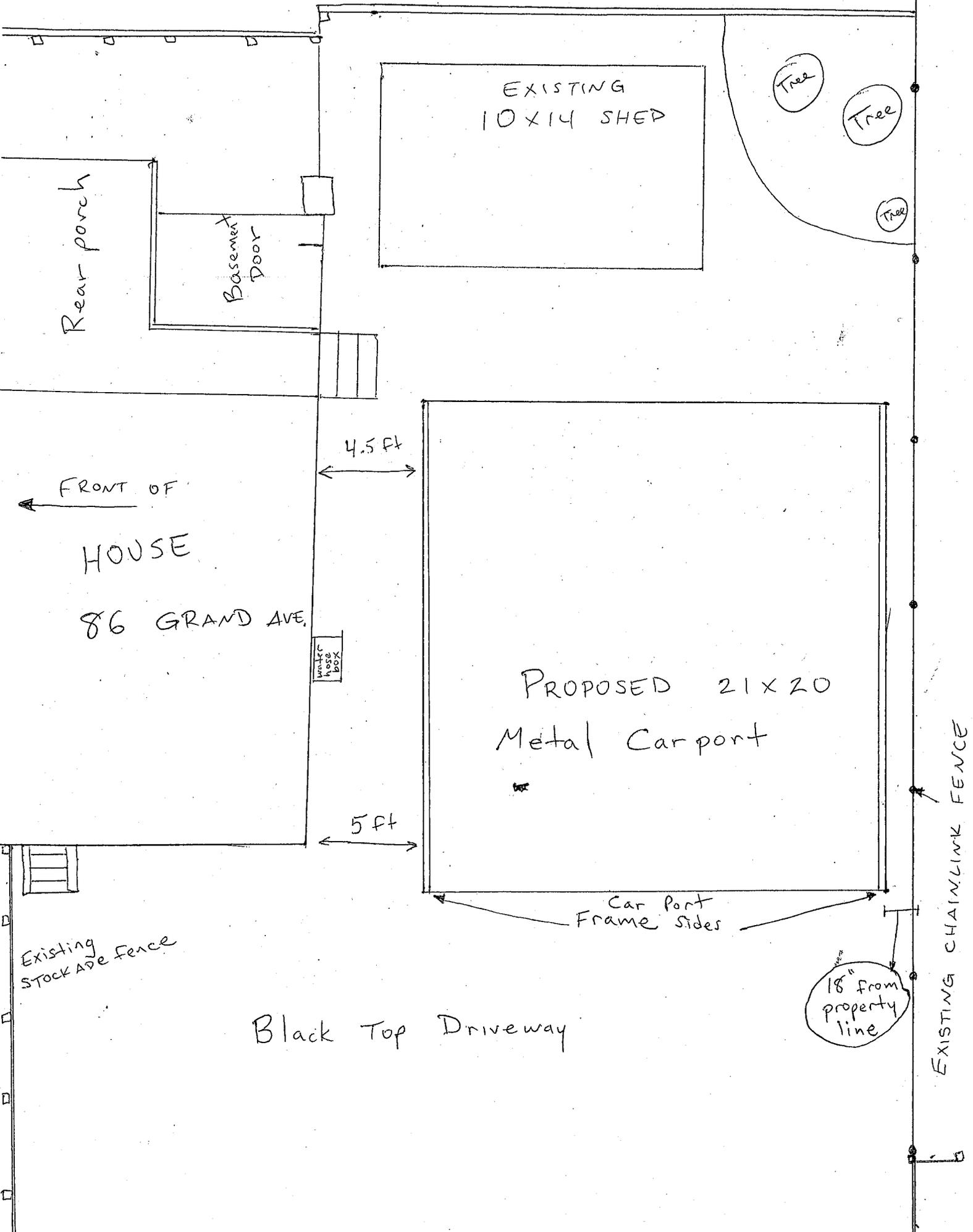
| Section/<br>Title | Required<br>Dimension | Actual<br>Dimension | Variance required |
|-------------------|-----------------------|---------------------|-------------------|
|                   |                       |                     |                   |
|                   |                       |                     |                   |
|                   |                       |                     |                   |

**8.** Sign at the place indicated and print name.

Signature of applicant 

Printed name and title Jose M Rios

Date 11-9-2016



EXISTING  
10 X 14 SHED

Tree  
Tree  
Tree

Rear porch

Basement  
Door

4.5 ft

FRONT OF

HOUSE

86 GRAND AVE.

water  
hose  
box

PROPOSED 21 X 20  
Metal Carport

5 ft

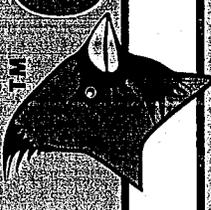
Car Port  
Frame Sides

Existing  
Stockade fence

Black Top Driveway

18" from  
property  
line

EXISTING CHAINLINK FENCE



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### CERTIFIED BUILDINGS 12'-24', 130 MPH WIND 30 PSF SNOW

### REGULAR STYLE BOXED EAVE STYLE VERTICAL ROOF STYLE

# \$1095.00 \$1195.00 \$1495.00



**ALL BUILDINGS INCLUDE:** →  
-29 Gauge Roofing  
-Braces on Every Leg  
-Center Braces  
-One Extra Bow



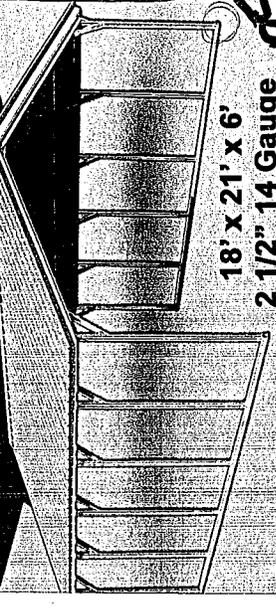
18' x 21' x 6'  
2 1/2" 14 Gauge

JMR INC / SLATE HILL STORAGE  
1924 ROUTE 284  
SLATE HILL, N.Y. 10973  
845-355-6000

**INCLUDED IN PRICE!**  
**REBAR ANCHORS**  
**(ground) OR CEMENT ANCHORS**

Boxed Eave Style, Standard Height: 6'

|         |        |         |        |         |        |         |        |         |        |
|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| 12 x 21 | \$1095 | 18 x 21 | \$1195 | 20 x 21 | \$1495 | 22 x 21 | \$1695 | 24 x 21 | \$1895 |
| 12 x 26 | \$1395 | 18 x 26 | \$1595 | 20 x 26 | \$1795 | 22 x 26 | \$2095 | 24 x 26 | \$2295 |
| 12 x 31 | \$1695 | 18 x 31 | \$1895 | 20 x 31 | \$2095 | 22 x 31 | \$2395 | 24 x 31 | \$2695 |
| 12 x 36 | \$1895 | 18 x 36 | \$2095 | 20 x 36 | \$2395 | 22 x 36 | \$2795 | 24 x 36 | \$3095 |
| 12 x 41 | \$2195 | 18 x 41 | \$2395 | 20 x 41 | \$2795 | 22 x 41 | \$3195 | 24 x 41 | \$3595 |



18' x 21' x 6'  
2 1/2" 14 Gauge

-12 GA. 2 1/4" Framing 20 Year Limited Rust Through Warranty  
-Certified Buildings 130mph - 50psf  
-Certified Buildings 26'-40' Wind

Vertical Roof Style, Standard Height: 6'

|         |        |         |        |         |        |         |        |         |        |
|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| 12 x 21 | \$1395 | 18 x 21 | \$1495 | 20 x 21 | \$1795 | 22 x 21 | \$1995 | 24 x 21 | \$2195 |
| 12 x 26 | \$1795 | 18 x 26 | \$1995 | 20 x 26 | \$2195 | 22 x 26 | \$2495 | 24 x 26 | \$2695 |
| 12 x 31 | \$2195 | 18 x 31 | \$2295 | 20 x 31 | \$2595 | 22 x 31 | \$2895 | 24 x 31 | \$3095 |
| 12 x 36 | \$2495 | 18 x 36 | \$2595 | 20 x 36 | \$2995 | 22 x 36 | \$3295 | 24 x 36 | \$3695 |
| 12 x 41 | \$2795 | 18 x 41 | \$2995 | 20 x 41 | \$3395 | 22 x 41 | \$3795 | 24 x 41 | \$4195 |

### BASE PRICE IS FOR TOP ONLY • FRAME IS 1FT SHORTER THAN ROOF LENGTH WISE • FREE INSTALLATION ON YOUR LEVEL LAND

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B. Red E. Brown E. Green White

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