

# Agenda

# City of Middletown Zoning Board of Appeals

July 19, 2017

7:00 PM to 9:00 PM

Common Council Chambers

<b>Meeting called by:</b>	Joel Sierra, Chairman
<b>Clerk:</b>	Martina Tu
<b>Members:</b>	Joel Sierra, Deborah Clark, Don Luis, Nicholas Barber, Andrew Green

Approval of June 16, 2017 minutes

2 Houston Avenue Ext  
James Gallant  
Area variance (lot width)

18 Wickham Avenue  
Brian Andryshak  
Area variance

# APPLICATION

## ZONING BOARD OF APPEALS

### City of Middletown, New York

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

Date \_\_\_\_\_

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

1. Address of Subject Property 2 Houston Avenue Extension

Section 43 Block 6 Lot 2 Current Zoning District R-1

Building: Existing \_\_\_\_\_ New X

2. Owner of Property Cong. Yesocher Berish

Owner's Address P.O. Box 368

City Tallman State NY Zip 10982

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

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

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

3. Applicant name James Gallant

*If different from Owner*

Applicants Address 2198 Greenville Tpk.

City Port Jervis State NY Zip 12771

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.	475-9F	50 ft.	40 ft.	10'+/-
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.

a. The character of the neighborhood will not change. The lot size of 8,263 sf meets the code. Just the existing lot width does not meet the current code.

b. The applicant cannot acquire additional property from his neighbors without affecting their required setbacks.

c. The lot width is 10 feet less than required. The Board to determine if this is substantial.

d. No adverse effects or impacts on the physical or environmental conditions are expected.

e. This lot was created prior to 2006, and lot width requirements might have changed since the lot was approved. The lot is a pre-existing, non-conforming lot.



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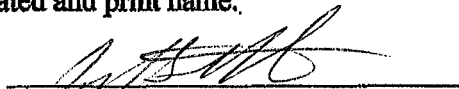
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**7. SIGN ORDINANCE.** Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

Section/ Title	Required Dimension	Actual Dimension	Variance required

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

Signature of applicant



Printed name and title

James Gallett

Date 5-29-67

OWNERS ENDORSEMENT

COUNTY OF ORANGE  
STATE OF NEW YORK

Michael Weiser being duly sworn, deposes and  
says that he/she resides at 20 Tokay Lane Mansey NY 10952  
in the County of Rockland and State of New York and that he is the  
owner in fee or member of the \_\_\_\_\_  
OFFICIAL TITLE  
Cong. Vesachee Breish Corporation which is the owner  
in fee of the premises described in the foregoing application and that he has authorized  
James Callant to make the foregoing application for  
approval as described herein.

Sworn before me this 22 day of May 2017

[Signature]  
NOTARY PUBLIC

ROBERT S. NEUHAUS  
Notary Public, State of New York  
No. 01NE4948039  
Qualified in Rockland County  
Commission Expires March 6, 2019

[Signature]  
OWNERS SIGNATURE

# APPLICATION

## ZONING BOARD OF APPEALS

### City of Middletown, New York

2-5-98

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

Date \_\_\_\_\_

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 18 Wickham Ave Middletown N.Y.

Section 25 Block 18 Lot 18 Current Zoning District R-2

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

2. Owner of Property Gloria PARRILLA

Owner's Address 18 Wickham Ave Middletown N.Y.

City MIDDLE TOWN State N.Y. Zip 10940

Phone numbers: Home: \_\_\_\_\_  
Business: \_\_\_\_\_  
Cell: \_\_\_\_\_

3. Applicant name Brian Andryshak

If different from Owner

Applicants Address 114 Rainbow Circle dr.

City Pine Bush State N.Y. Zip 12566

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.

PER R-2  
 ZONE, SINGLE  
 FAMILY HOUSE  
 IS SUBJECT TO  
 R-1 REQUIREMENTS

Section	Required Dimension	Actual Dimension	Variance Requesting
a. 475-9(F)(1)(c)	30'	20'	10'

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- (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.

→ Per R-2 zone, single family house is subject to R-1 Requirements, no there will not be any undesirable change to Neighborhoods (b) no other way, (c) (d) no adverse effect or impact on environment or Neighborhood (e)





**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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*NO*

**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/ Title	Required Dimension	Actual Dimension	Variance required

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

Signature of applicant *Gloria Parrilla*  
 Printed name and title GLORIA PARRILLA  
 Date 6/12/17

Existing House

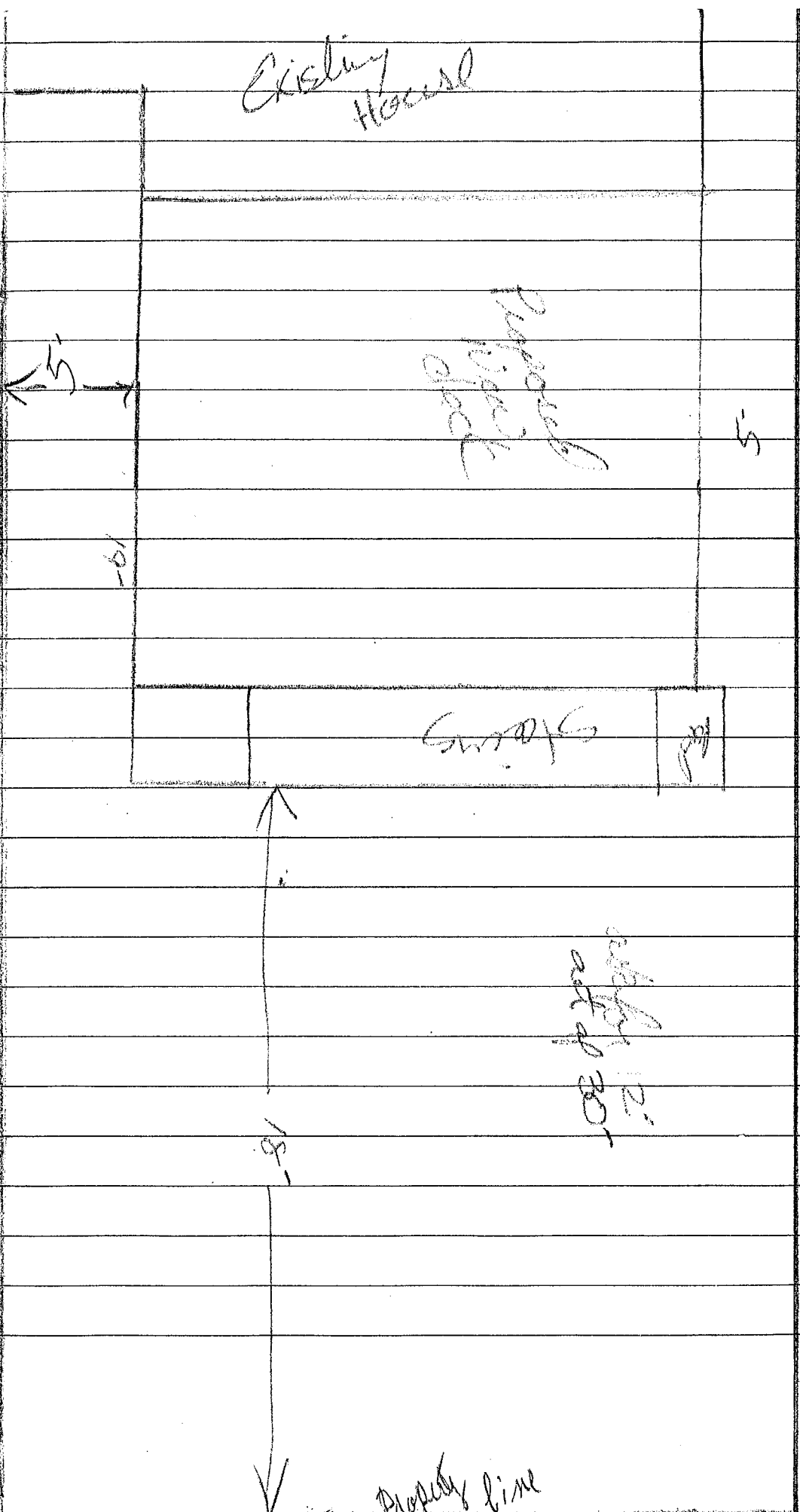
Proposed  
Back  
Deck

Stairs

Wall

width 12'  
off of 30'

Property line



Brian Audysnak  
845-800-1285