

Agenda

City of Middletown Zoning Board of Appeals

August 19, 2015

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 July 15, 2015 minutes

86-90 North Street
Hope Bible Church, Inc.
Use variance (house of worship in a C-3 zone)

13-33 James P. Kelly Way
Carlo Caldara
Sign area variance

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date July 29, 2015

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 13-33 James P. Kelly Way

Section 64 Block 1 Lot 1.212

Current Zoning District C-3

Building: Existing XXX New _____

2. Owner of Property Solomon Apartment Management, LLC (dba Parc Apartments)

Owner's Address 92 River Road

City Summit State NJ Zip 07901

Phone numbers: Home: _____

Business: (908) 988-1010

Cell: _____

3. Applicant name Carlo Caldara

If different from Owner

Applicants Address 72 New Valley Road or 23 James P. Kelly Way

City New City State NY Zip 10956

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.	N/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.

N/A

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.

N/A

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
394-9 / Freestanding Signs	24 S.F. Max.	60 S.F.	36 S.F.

8. Sign at the place indicated and print name.

Signature of applicant Carlo Caldara

Printed name and title Carlo Caldara, Project Manager

Date 7/29/2015

ATTACHMENT "B"

The requested variance is:

Section 394-9.A; Increase the allowable free standing sign area from 24 square feet to 60 square feet (A variance of 36 square feet).

In accordance with Section 394-9.A of the City of Middletown Zoning Code the Appellant offers the following evaluation of the weighing standards. (Reference: Area Variance §475-55-D)

- 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

***Response:** The subject property is located within the C-3 (General Business) Zoning District. The neighborhood contains existing (Dairy Queen, Quick-Chek, Patton's Auto Body, Red Barn Pet Foods and other commercial establishments) and proposed commercial uses. The C-3 Zone also allows for multi-family (apartments) to be located over commercial uses. The Sterling Parc at Middletown project is such a mixed use development. The proposed sign is consistent with other signs within the immediate neighborhood.*

- b. The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than the Area Variance; and

***Response:** The requested variance is the only feasible alternative. The division of the retail/commercial space into 12 leasable units is market driven. The permitted sign area of 24 square feet would result in an allowable sign area of 2 square feet per leasable unit. A smaller sign would not be readily visible to motorists heading east along James P. Kelly Way and the orientation of the completed buildings and the topography of the site make building mounted signs nearly impossible to see for eastbound vehicles.*

- c. The requested area variance is substantial; and

***Response:** The requested variance appears substantial in that it is an increase of 150% over the code maximum. However, the requested sign area variance, if granted, will result in a signs approximately 5 square feet per leasable unit.*

- d. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

Response: The granting of the requested variance will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The neighborhood is primarily commercial and the scale of the existing Sterling Parc at Middletown buildings are much more substantial than the proposed sign.

- 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.

Response: The difficulty is self-created in so far as the owner has requested a sign larger than allowed in the code. The prevailing traffic volume and conditions along James P. Kelly Way require easily readable and recognizable signs to give vehicle operators adequate time and distance to make safe vehicle maneuvers into the site entrance. A smaller sign would be more difficult to see at a distance to make safe lane changes and turns particularly for vehicles travelling east. The size and location of the sign will allow motorists adequate advance notice to and recognition to signal and turn into the entrance to the commercial area (between Quick-Chek and Dairy Queen).



The Solomon Organization, LLC

July 6, 2015

Zoning Board of Appeals
City of Middletown
16 James Street
Middletown, NY 10940

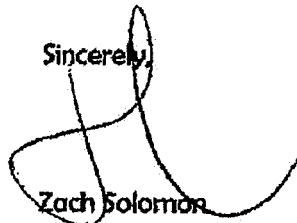
RE: Sterling Parc Retail

To Whom This May Concern:

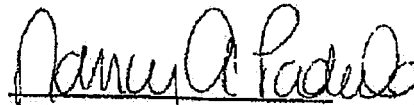
SAM, LLC, as an authorized agent for the owner, gives our representative, Carlo Caldara permission to apply for a Retail Sign Variance on the Owner's behalf.

Thank you.

Sincerely,


Zach Solomon

ZS:cmr


Notary Public

Notary Public
State of New Jersey
Nancy A Padula
My Appointment Expires July 29, 2017





THE SHOPPES STERLING PARC

◇ AT MIDDLETOWN ◇

STORE ONE

STORE SEVEN

STORE TWO

STORE EIGHT

STORE THREE

STORE NINE

STORE FOUR

STORE TEN

STORE FIVE

STORE ELEVEN

STORE SIX

STORE TWELVE

