

**CITY OF MIDDLETOWN
ZONING BOARD OF APPEALS
MINUTES**

June 06, 2018

A meeting of the Zoning Board of Appeals was held in the Common Council Chambers, Second Floor, City Hall, 16 James Street, Middletown, New York on June 6, 2018 at 7:00 P.M., Joel Sierra presiding.

Members Present: Joel Sierra, Nick Barber, Deborah Clark, Don Luis, Marc Woody

Other Attendees: Richard J. Croughan, Corporation Counsel

A motion was made by Nick Barber and seconded by Don Luis to approve the minutes of May 16, 2018 as submitted.

Roll Call Ayes: Joel Sierra, Nick Barber, Deborah Clark, Don Luis, Marc Woody

**36 Commonwealth Avenue
Ruediger Nehr Korn
5-year extension to comply with Amortization Ordinance**

Mr. Sierra: Please state your name and address for the record.

Mr. Nehr Korn: Ruediger Nehr Korn, 36 Commonwealth Avenue.

Mr. Sierra: And can you give us a breakdown on your property, sir?

Mr. Nehr Korn: Excuse me?

Mr. Sierra: Can you give us a brief breakdown on what's going on? I see you were here before; correct? Were you here before?

Mr. Nehr Korn: Have I been here before?

Mr. Sierra: Yes.

Mr. Nehr Korn: Yes.

Mr. Sierra: Okay. What meeting were you here? Do you remember?

Ms. Tu: I think it was January.

Mr. Sierra: January?

Mr. Nehr Korn: I'm the owner.

Mr. Sierra: And you gave us a breakdown for all the expenses on this property?

Mr. Nehr Korn: Yes, I did. Expenses there and income, tax returns, and what it takes to change it over.

Mr. Sierra: Any major improvements that you've done? Any major improvements -- have you done any major improvements on this property?

Mr. Nehr Korn: Well, yeah. Roof, siding, a fire escape. It was like \$10,000. The house is all redone. All wood kitchen cabinets, tile floors.

Mr. Sierra: Did you submit those repairs?

Mr. Nehr Korn: What?

Mr. Sierra: Did you submit those repairs? I don't see any --

Mr. Nehr Korn: No, no. That was all done in the last, you know, in the last 20, 30 years, and I did a lot of work myself, and I had good tenants. I had two carpenters and a floor guy living there, so we took care of it that way.

Mr. Sierra: Okay. Is there a mortgage on the property?

Mr. Nehr Korn: No.

Mr. Sierra: No mortgage? Paid off?

Mr. Nehr Korn: I've owned it forever.

Mr. Sierra: Okay. When did you pay off the property?

Mr. Nehr Korn: Probably about '97, '98.

Mr. Sierra: '97 or '98? Okay. How many units? How many units?

Mr. Nehr Korn: How many units?

Mr. Sierra: Units. How many apartments?

Mr. Nehr Korn: How many what?

Ms. Clark: Apartments.

Mr. Sierra: How many apartments?

Mr. Nehr Korn: Oh. Four.

Mr. Sierra: Four apartments?

Mr. Nehr Korn: Yeah.

Mr. Sierra: All right. Does the board have any questions?

Mr. Nehr Korn: Yeah. You have the thing there that I printed up from the tax records in the beginning back there from 1901 or 1903. Been there forever.

Mr. Sierra: Yeah. But it doesn't specify how many units.

Mr. Nehr Korn: Yeah. It tells you there. Four bathrooms, four kitchens, and --

Mr. Sierra: On the taxes? On which form?

Mr. Luis: On the printed form I see.

Mr. Sierra: Oh, page 2. Okay. Gotcha. Mrs. Clark, you had --

Ms. Clark: Okay. I have a couple of questions. For 2016, it says \$8,800 for the year in rental income, but in 2016 it has rents received \$28,000.

Mr. Nehr Korn: Yeah. It varies. Sometimes --

Ms. Clark: So what's the front page? What's this page?

Mr. Nehr Korn: The apartments are empty once in a while and -- what is the difference there?

Ms. Clark: No. The difference is on the front page it says for the whole year, you got \$8,800.

Mr. Nehr Korn: Right.

Ms. Clark: But if you look at the tax return, it says the rents are \$28,000 for the same year, so I'm not sure what this front page is.

Mr. Nehr Korn: That's after -- that's after the expenses. \$28,000 is the income for the year after expenses, paying the taxes and water bills and electric, then it ends up with like \$8,800. The tax returns are there.

Mr. Sierra: Okay.

Ms. Clark: Did you understand my question?

Mr. Sierra: Yes. I understood your question.

Ms. Clark: Okay. The other question I had was it says that you have architectural plans. I don't see them in the packet. You said there's architectural plans in the packet?

Mr. Nehr Korn: For what? For the changeover?

Ms. Clark: I don't know. It just says -- it's written here. This is what you submitted.

Mr. Nehr Korn: That's the estimate.

Ms. Clark: No. It's just a list of -- you have it architectural plans, permits, demolition.

Mr. Nehr Korn: Right. That's for the future.

Ms. Clark: And you want to show him the first thing I said too?

Mr. Sierra: Sure.

Mr. Nehrkorn: Yeah. I don't have the plans. This hasn't been done yet.

Ms. Clark: Oh.

Mr. Nehrkorn: This is the estimate to renovate. We don't -- we're not renovating it. Hopefully I don't have to renovate.

Mr. Croughan: Are you saying your gross income from the apartments is \$28,000 and your net is \$8,800?

Mr. Nehrkorn: After all the expenses, total expenses, \$19,000, and I end up with \$8,800 and the \$28,000 is the gross, and it varies every year a little bit.

Ms. Clark: Okay.

Mr. Nehrkorn: So here we got \$31,000.

Mr. Croughan: Okay.

Ms. Clark: Okay. I just wanted to clarify that. Thank you.

Mr. Nehrkorn: I've got all good people in there. No children, adults, quiet neighborhood. I've been there, I mean --

Mr. Sierra: Any other questions from the board?

Mr. Barber: That second page from Renovations Plus, he didn't sign it. He just printed this out for you?

Mr. Nehrkorn: Right.

Mr. Barber: What it was going to cost?

Mr. Nehrkorn: That's all.

Mr. Barber: And he's located at --

Mr. Nehrkorn: We didn't make a big deal out of it. A handshake is good right now.

Mr. Barber: All right. I understand. I understand a handshake. He's located on

California Avenue?

Mr. Nehrkorn: Yes.

Mr. Barber: Okay.

Mr. Sierra opened the public hearing. Public hearing will remain open for 30 days for any written comments.

Mr. Sierra: We're going to review this information. Is there any information you want to submit to the board, or is this all you have?

Mr. Nehrkorn: Yeah. That's it. Whatever, you know.

Mr. Sierra: Okay. We're going to review this information, and we'll come up with a resolution for you.

Mr. Nehrkorn: Okay. All I have to say is that I came here in 1969 after leaving Vietnam, and this was a really friendly town, you know. In the last 10 years, the City government -- now everybody wants to leave instead of coming here. I mean, you know, it was really nice when I got here, so now it's (inaudible). Anyhow, consider it for another few more years, five more years, and I might be dead by then anyway, so all right.

Mr. Sierra: All right. Thank you, sir.

**13 Royce Avenue
Richard Nathan
5-year extension to comply with Amortization Ordinance**

Mr. Sierra: Please state your name and address, sir, for the record.

Mr. Nathan: Richard Nathan.

Mr. Sierra: Okay, Richard, and can you give us a brief outline on this property?

Mr. Nathan: It's a three-family located on Royce Avenue. I owned it since 2003. I did a lot of work there, a lot of renovations -- roof, bathrooms, the whole thing, sheetrock, whole thing. This is my first time here, so I'm just --

Mr. Sierra: Okay. Did you submit all the financials for this property?

Mr. Nathan: I submitted the papers showing my income.

Mr. Sierra: Did you submit the taxes? I see the mortgage -- a mortgage statement here and we need bank statements.

Mr. Nathan: The bank statement, I don't think I submitted any.

Mr. Sierra: Martina, can we get him a list of what we've been requiring from all the property owners?

Ms. Tu: Sure.

Mr. Sierra: All right. So I see the estimate here. It does say from who. Who wrote this out?

Ms. Clark: Paul.

Mr. Sierra: Paul?

Ms. Clark: Yeah. Paul (inaudible). I know him. This one you're talking about, the second page?

Mr. Sierra: So you know Paul?

Ms. Clark: Yeah.

Mr. Sierra: Is he a licensed plumber?

Ms. Clark: Yes. He's licensed.

Mr. Barber: Not in Middletown.

Ms. Clark: Huh?

Mr. Barber: Not in Middletown.

Ms. Clark: Well, he's licensed I know in Rockland. He no longer works --

Mr. Barber: It doesn't carry over.

Ms. Clark: Oh, I see what you're saying. He's got all the licenses for Rockland, Putnam. You're saying he needs it in Middletown.

Mr. Barber: Yeah.

Ms. Clark: You might want to check with Paul to see if he got Middletown.

Mr. Nathan: Okay.

Ms. Clark: All right? Because I know he's done work, so --

Mr. Sierra: What about the estimate before that? Who wrote that up? Is that you? Did you write the estimate for that or is that just a statement of what you invested?

Mr. Nathan: The roof?

Mr. Sierra: It says new roof, electrical updates, sidewalks. Is that a breakdown of what you put into this property?

Mr. Nathan: Yeah. I put a new roof. That's the estimate. It just was done not too long ago, and the electrical was done by what's his name. I got it off the electrical list from downstairs. Not Zorro. I forgot the name, but it was on the list. Pirro? Is that right?

Mr. Croughan: Sparrow?

Mr. Nathan: Spiro.

Mr. Croughan: Sparrow.

Mr. Nathan: No, not Sparrow. They have the sticker on there.

Mr. Sierra: Okay. As long as it was a licensed electrician, that's fine.

Mr. Nathan: Yes.

Mr. Barber: Oh. Spiro and Spiro.

Mr. Nathan: Spiro. Spiro.

Ms. Clark: Yes.

Mr. Sierra: Okay. So this mortgage is -- I see this statement is from last year, from February of '17. Does it still have a mortgage on the property?

Mr. Nathan: Yes. It still has a mortgage on the property.

Mr. Sierra: If you can get us an updated statement, please?

Mr. Nathan: Okay.

Mr. Sierra: Any questions from the board?

Ms. Clark: No. I just want to make sure that we just ask Paul (inaudible) to see about a City of Middletown license.

Mr. Sierra: You said an updated (inaudible); right?

Mr. Nathan: Yeah.

Mr. Sierra: And these are the most current leases you have?

Mr. Nathan: Yeah.

Mr. Sierra: Some of them are one-year leases?

Mr. Nathan: Yeah, right.

Mr. Sierra: Any other questions from the board members? No other questions. If you can get the rest of those finance -- Martina's going to give you a list of requirements for landlords. We're going to adjourn this property. If you can get that information to her office as soon as possible.

Mr. Nathan: Okay.

Mr. Sierra: Corporation Counsel, any questions?

Mr. Croughan: No. Just be in contact with Martina.

Mr. Nathan: All right. I have senior people living here also.

Mr. Sierra: Okay. We're going to adjourn this. Continue business as usual until we

can get that information over to him. Please try to get it as soon as possible. This way we can digest all the information and make a resolution. Chief?

Mr. Barber: In the back of your paperwork, do you have floors and walls, and why they gave you an estimate for \$140,000?

Mr. Nathan: They were saying to change it around. You're talking about this estimate; right?

Mr. Barber: If they take out one apartment?

Mr. Nathan: He's going to put steps. It says we're going to put the steps outside because the steps -- to make the one apartment, you have to take the steps. There's steps in the middle there. He has to take it out, and then he has to make a floor here and then take out the wall and put the steps there, and it includes -- you have to change because all of the plumbing, all of that is separate, so he's going to take out all the plumbing and redo all the electrical, so it includes all of that, not just the wall.

Mr. Barber: To renovate it costs more than your house.

Mr. Nathan: Yeah.

Ms. Clark: I'd get two more.

Mr. Barber: I would get another estimate. \$140,000? You got a quote here from the plumber already for \$6,300 for two boilers, hot water heater, all the gas piping.

Mr. Nathan: No. That was done already. That's what is in there now.

Mr. Barber: That was done?

Mr. Nathan: Yeah.

Mr. Barber: Already?

Mr. Nathan: Yeah.

Mr. Barber: And this guy's going to redo it?

Mr. Nathan: Yeah. Well, if he has to go to two because each one is separate, so if

he has to go to two, he has to get rid of one and redo the plumbing.

Mr. Barber: Well, you've got three apartments.

Mr. Nathan: Yes. And three boilers.

Mr. Barber: That's two boilers, so you left one old one.

Mr. Nathan: There's still three boilers there.

Mr. Barber: And you changed two and one hot water heater.

Mr. Nathan: I changed two and one hot water heater.

Mr. Barber: That's what your paperwork says. You did one hot water heater and two boilers.

Mr. Nathan: Oh, you mean for this? Yes. That's what I did originally.

Mr. Barber: Originally.

Mr. Nathan: Yes.

Mr. Barber: But now you're going to have this guy redo it.

Mr. Nathan: Well, if I have to go to two -- he was telling me if I have to go to two apartments, I have to take out one boiler and put new plumbing for the other boiler, and then I have to change the electrical because two electricals are separate and you have to make them one meter.

Mr. Barber: You have four meters now; correct?

Mr. Nathan: Three meters.

Mr. Barber: Three?

Mr. Nathan: Yes.

Mr. Barber: Really you're supposed to have four. You've got to pay the common electric in the hallways and stuff. If nobody's living in the basement, you're to pay for that electric, so really you're supposed to have four meters, not three.

Mr. Sierra: Was this house originally built as a two-family? Do you know?

Mr. Nathan: When I purchased, I saw it was a clearance. I think I have this paper that the City of Middletown gave permission, and the person who was there built it as a three.

Mr. Barber: Do you have that?

Mr. Nathan: Yeah. I think I have it right here. Do you want to see it? This was given to me when I purchased the place.

Mr. Barber: Oh. This is just your permit.

Mr. Sierra: If you could make copies of the paperwork you have and submit it to Martina along with those financials.

Mr. Nathan: This probably came from this office.

Mr. Sierra: I thought DPW gave you that. DPW? Department of Public Works? If you can make copies and get it --

Mr. Nathan: Mr. Welch.

Mr. Sierra: Mr. Welch sits on this board. He's not here tonight.

Mr. Nathan: Oh, okay.

Mr. Sierra: Mrs. Clark?

Ms. Clark: The question I have is we're going to check that my question -- we're going to check to make sure this was an original three-family?

Mr. Barber: He's going to get us all the documents.

Ms. Clark: Okay. So that's the first thing. Because if it is, then everything here is naught, then he's fine.

Mr. Sierra: Yeah. If he can find that document.

Ms. Clark: If you do find that document, you're fine. The other thing is I would

recommend -- I think this is extremely high, this \$140,000, extremely. I would do, like he was saying, and get two more estimates, not one. Get two more estimates because that \$140,000 is much more than your house existing now, and I think the guy just totally --

Mr. Nathan: Because he said he had to move the steps.

Ms. Clark: Get a couple more estimates and you'll see the difference.

Mr. Sierra: All right. So what I'm going to do is I'm going to adjourn this to a future meeting. Get those financials and all that information that you may have over to Martina so we can get a resolution together.

Mr. Nathan: Okay.

Mr. Sierra: All right?

Mr. Nathan: All right. Thank you very much.

**32 Highland Avenue
James & Omeria Parliman
5-year extension to comply with Amortization Ordinance**

Mr. Sierra: Please state your name and address for the record.

Mr. Parliman: Jim Parliman, 25 Avenue C, Middletown.

Mr. Sierra: Jim, can you give us a brief outline on your property? Give us some history on it, please.

Mr. Parliman: It's a four-family. I purchased it as a four-family in '84, '85. It was a four-family I was told since sometime in the '50s.

Mr. Sierra: I'm going to ask for --

Mr. Barber: Do you currently live there?

Mr. Parliman: Pardon?

Mr. Barber: Do you currently live there?

Mr. Parlman: No.

Mr. Barber: No?

Mr. Parlman: I lived there for 20 years, 2000. I just moved across town.

Mr. Sierra: I don't see any financial documentation. I'm going to ask Martina to give you a list of the financials that we've been asking for all the property owners -- bank statements, mortgage statements, most current leases.

Mr. Parlman: There is no mortgage now. I've owned it for 34 years. Finally made it a few years ago.

Mr. Sierra: Okay. She'll give you a list that she's been putting together for all the property owners. This way we can get all the information together and make an educated --

Mr. Parlman: The information I handed in about a year ago is no longer good?

Mr. Sierra: It's probably going to have to be updated.

Mr. Parlman: Updated. Probably.

Ms. Tu: Did it change much?

Mr. Parlman: Pardon?

Ms. Tu: Did this change a lot, the expenses and income?

Mr. Parlman: Probably not.

Ms. Tu: Okay.

Mr. Sierra: How about your taxes?

Mr. Parlman: Taxes? Yeah. That I got.

Mr. Sierra: What I'm going to do is we're going to adjourn this for a later date. If you can get that to Martina.

Mr. Parlman: How many years do you want on the taxes?

Mr. Sierra: The more the better and copies of your most current leases.

Mr. Parlman: I don't have any leases.

Mr. Sierra: Don't have any leases? It's month-to-month?

Mr. Parlman: Yeah.

Ms. Parlman: We've had people there for a long time.

Mr. Parlman: One tenant's been there 12 years, another one's been there 10, another one five. We've got one apartment, I'll call it an efficiency. It's a small one-bedroom. That's the only one people usually --

Mr. Sierra: If you can give us a breakdown on what apartment -- what are you charging per apartment, which apartment is which.

Mr. Parlman: You want to know what the rents are?

Mr. Sierra: Yeah. You could put that all in writing.

Mr. Parlman: Okay.

Mr. Sierra: Submit it to Martina.

Mr. Barber: Under your form, you got your yearly expenses. You pay for the heat?

Mr. Parlman: Yeah.

Mr. Barber: For all the apartments?

Mr. Parlman: Heat and hot water.

Mr. Barber: Wow. Can I move in?

Ms. Parlman: That's why they don't leave.

Mr. Parlman: Actually, a couple of your inspectors have said that they would live there if they needed an apartment.

Mr. Sierra: All righty. So we're going to do the same thing. We're going to adjourn this for more information. Get in touch with Martina, and she'll tell you -- yeah.

Mr. Sierra opened the public hearing.

Mr. Sierra: Any questions from the board? All right. We're going to leave the public hearing open for written comments. Get that information to Martina. She'll communicate with you as far as when we're going to put a resolution together.

Mr. Parlman: Okay.

Mr. Sierra: All righty?

Mr. Parlman: Yup.

Mr. Sierra: Thank you. Let the record reflect that we have an open public hearing for Mr. Nathan also on 30-day (inaudible).

Mr. Barber: Jim, every year you get inspected?

Mr. Parlman: Yeah.

Mr. Barber: With a new permit and stuff?

Mr. Parlman: Mm-hmm.

Mr. Barber: Could you make copies of that? I could have Martina take them out if it would be easier from the City Code. They come out, inspect it. They issue you a permit for a year?

Mr. Parlman: Yeah.

Mr. Barber: You could go back just a couple years; okay?

Mr. Croughan: Do you know if this building was built as a four-family -- multi-family?

Mr. Parlman: I don't think it was, but when we did the renovations, we found an old set of stairs in the back corner of it, probably for the maid. They probably lived

upstairs. It was kind of neat. It was closed up in the wall and then we found it, and it led from the first floor to the second floor. We took them out because we made an apartment, you know, renovated the apartments, but it's kind of neat, so somebody did that back in the '50s at some point. I remember running into one of your meter readers. He's an older gentleman, short, black mustache. He doesn't work for you anymore. I think he's retired, and he said he lived over on Cottage Street.

Mr. Barber: Pat Osborne.

Mr. Parlman: Pardon?

Mr. Barber: Pat Osborne.

Mr. Parlman: That's it. He used to live there. He said that he had a band, and they used to practice down in the basement apartment all the time.

Mr. Sierra: All right. So stay in touch with Martina, and we'll get a resolution.

Mr. Parlman: All right. Thank you.

Mr. Sierra: Thank you. Any other business? Anything from the board? Corporation Counsel, you're new. I don't know if you guys met him. Rich Croughan.

Mr. Croughan: Yes. I met all of them.

Mr. Sierra: We want to welcome you and thank you for joining us again.

Mr. Croughan: Thank you.

Mr. Sierra: We look forward to working with you. Does anybody have any questions?

Mr. Parlman: One other thing. Most people when they go by the house, even when we lived there, I don't know if this means anything, but most people think it's still a single family, and we've tried to keep the character of that in the house. You know, most people don't even know it's a four-family. It doesn't look like it.

Mr. Sierra: All right. Well, thank you, sir.

Mr. Parlman: All right.

Ms. Clark made a motion to adjourn, seconded by Mr. Woody.

Roll Call Ayes: Joel Sierra, Nick Barber, Deborah Clark, Don Luis, Marc Woody

Adjourned 7:30PM

Respectfully Submitted,

Martina Ju, Clerk