

Agenda

City of Middletown Zoning Board of Appeals

November 20, 2019

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, Marc Woody

Approval of June 19, 2019 minutes

ADC Middletown, LLC.,
210-224 Phillips Street
area variances for proposed residential homes

RDM Group
102-128 Dolson Avenue
area variances for a proposed warehouse

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 10/21/2019

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 210 Phillips Street
Section 37 Block 8 Lot 158 Current Zoning District UR-3A zone
Building: Existing _____ New
2. Owner of Property ADC Middletown LLC
Owner's Address 2 Magnolia Park Road
City Middletown State New York Zip 10940
Phone numbers: Home: _____
Business: _____
Cell: _____
3. Applicant name David Tondreau
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
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- a. Front yard required 30ft requesting 15ft
 b. to build in line with existing homes on Phillip street.

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:

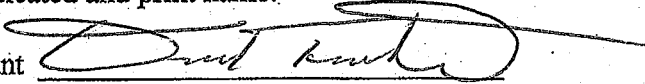
- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an 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.

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.

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 David Tondreau Project Manager

Date 10/21/19

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

David C. Bartolone being duly sworn, deposes and says that

he/she resides at 13 Ede Road Modena

in the County of Ulster and State of New York and that he/she is the

owner in fee or Sale Manager of the ADC Middleton LLC
OFFICIAL TITLE

Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized David Torchreaw Project Manager to make the foregoing

application for approval as described herein.

Sworn before me this 22nd day of October 2019

Mary S Toro
Notary Public

Mary S Toro
Notary Public, State of New York
Registration No. 01TO6390670
Qualified in Orange County
My Commission Expires 04/22/2023

[Signature]
OWNER'S SIGNATURE

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 10/31/19

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 102-128 Dolson Avenue

Section 48 Block 1 Lot 1.2 Current Zoning District I-1

Building: Existing X New _____

2. Owner of Property Mayer Gross

Owner's Address 5 Corporate Drive, Suite 100

City Central Valley State New York Zip 10917

Phone numbers: Home: _____

Business: ILL-N- _____

Cell: _____

3. Applicant name RDM Group

If different from Owner

Applicants Address One International Boulevard, Suite 410

City Mahwah State New Jersey Zip 07495

Phone numbers: Home: _____

Business: RACTERS _____

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
	Art. III §475-24.C.			
a.	Building Height Limit	35 feet	44 feet	9 feet
	Art. IV §475-33.A.			
b.	Off-Street Parking	741 spaces	296 spaces	445 spaces

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.

The applicant is seeking these variances as a result of transforming the vacant and underutilized retail space at 102 Dolson Avenue into a usable industrial space.

These variances should not adversely affect the character of the neighborhood, as Dolson Avenue is a commercialized corridor and there is an immediately adjacent building in the same shopping center that has a similar height. Converting the majority of the space from retail to industrial will also reduce the amount of parking needed for this building.

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

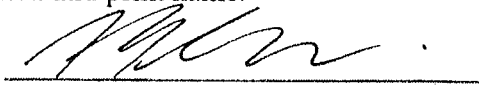
7. SIGN ORDINANCE. Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

Section/ Title	Required Dimension	Actual Dimension	Variance required
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N/A

8. Sign at the place indicated and print name.

Signature of applicant



Printed name and title

Isaac Neuman, Managing Applicant

Date 10/31/19

OWNER'S ENDORSEMENT

COUNTY OF ORANGE
STATE OF NEW YORK

Yechiel M. Gross being duly sworn, deposes and says that

he/she resides at 7 Koritz Ct. #201

in the County of Orange and State of New York and that he/she is the

owner in fee or Member of the LGP Capital Middletown LLC
OFFICIAL TITLE


Corporation which is the owner in fee of the premises described in the foregoing application and that

he/she has authorized RDM Group to make the foregoing

application for approval as described herein.

Sworn before me this _____ day of _____ 20____

JOSEPH NIEDERMAN
NOTARY PUBLIC - STATE OF NEW YORK
NO 01N614825
QUALIFIED IN ORANGE COUNTY
COMMISSION EXPIRES APRIL 24, 2032
Notary Public


OWNER'S SIGNATURE