

# Agenda

# City of Middletown Zoning Board of Appeals

January 19, 2022

7:00 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, Wendy Rodrigues, Marc Woody

Approval of September 15, 2021 minutes

Sobo & Sobo Holdings, LLC.  
118 Academy Avenue  
Area variances for a proposed law office

Richard E. Heffernan  
329 North Street  
Use variance for a 2-family dwelling in I-1 zone

# 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 329 North St.

Section 17 Block 3 Lot 1

Current Zoning District I-1

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

2. Owner of Property Moshe + Chaya Sternhill, Aron Deutscher

Owner's Address 49 Decatur

City Spring Valley State NY Zip 10977

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

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

Cell: 4-9581

3. Applicant name Richard E Hefferlan

*If different from Owner*

Applicants Address 129 Wickham Av Apt 2R

City Middletown State NY Zip 10940

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

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

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

ste Aron

Moshe

www.efs.com

P.I.

www

**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.

The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this ordinance, shall have the power to grant use variances, as defined herein.

No use variance shall be granted by the Board of Appeals without showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
- (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (d) The alleged hardship has not been self-created.

The Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

See attached (1) & (2)

**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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**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 \_\_\_\_\_

Date \_\_\_\_\_

OWNERS ENDORSEMENT

COUNTY OF ORANGE  
STATE OF NEW YORK

MOSHE STERNHILL & ARON DEUTSCHER being duly sworn, deposes and  
says that he/she resides at 56 MARINER WAY MONSEY N.Y. - 49 DECATUR AVE S.V. N.Y.  
in the County of ROCKLAND and State of NEW YORK and that he is the  
owner in fee or OWNERS of the D&S NY  
REACTY OFFICIAL TITLE Corporation which is the owner  
in fee of the premises described in the foregoing application and that he has authorized  
RICHARD HEFFERNAN to make the foregoing application for  
approval as described herein.

Sworn before me this 9<sup>th</sup> day of DEC 2021

Joseph Fuchs  
NOTARY PUBLIC

JOSEPH FUCHS  
Notary Public, State of New York  
Qualified in Rockland County  
Commission Number 01FU6164226  
Expires April 16, 20 23

M. Sternhill - A. Deutscher  
OWNERS SIGNATURE

**329 North St**



- A) There is no demand for industrial space in location like this. The parking is good for residential cars and family size vehicles. There are no permitted uses in I-1 zoning so it would be difficult to compare this to many listings but there are 2 industrial listings in the MLS on Dec. 20, 2021. One is 108 Sprague Ave on the market for 192 days. It's a repair shop. The other is 125 Wickham office asking \$850 a month for 354 days. I talked with the owner, He said, "He feels it may be empty for years".
- B) What makes this property unique is that it was bank owned for many years so it was vacant. Most of the properties in the area are 2 family, such as 329 North.
- C) As a 2 family it fits into the neighborhood. There are residential houses for ¼ mile on the left side and for ¼ mile on right side. The rear lots on North St are used for industrial purpose but this is not a rear lot.
- D) Owners brought the building thinking it was a 2 family that just needed a permit.



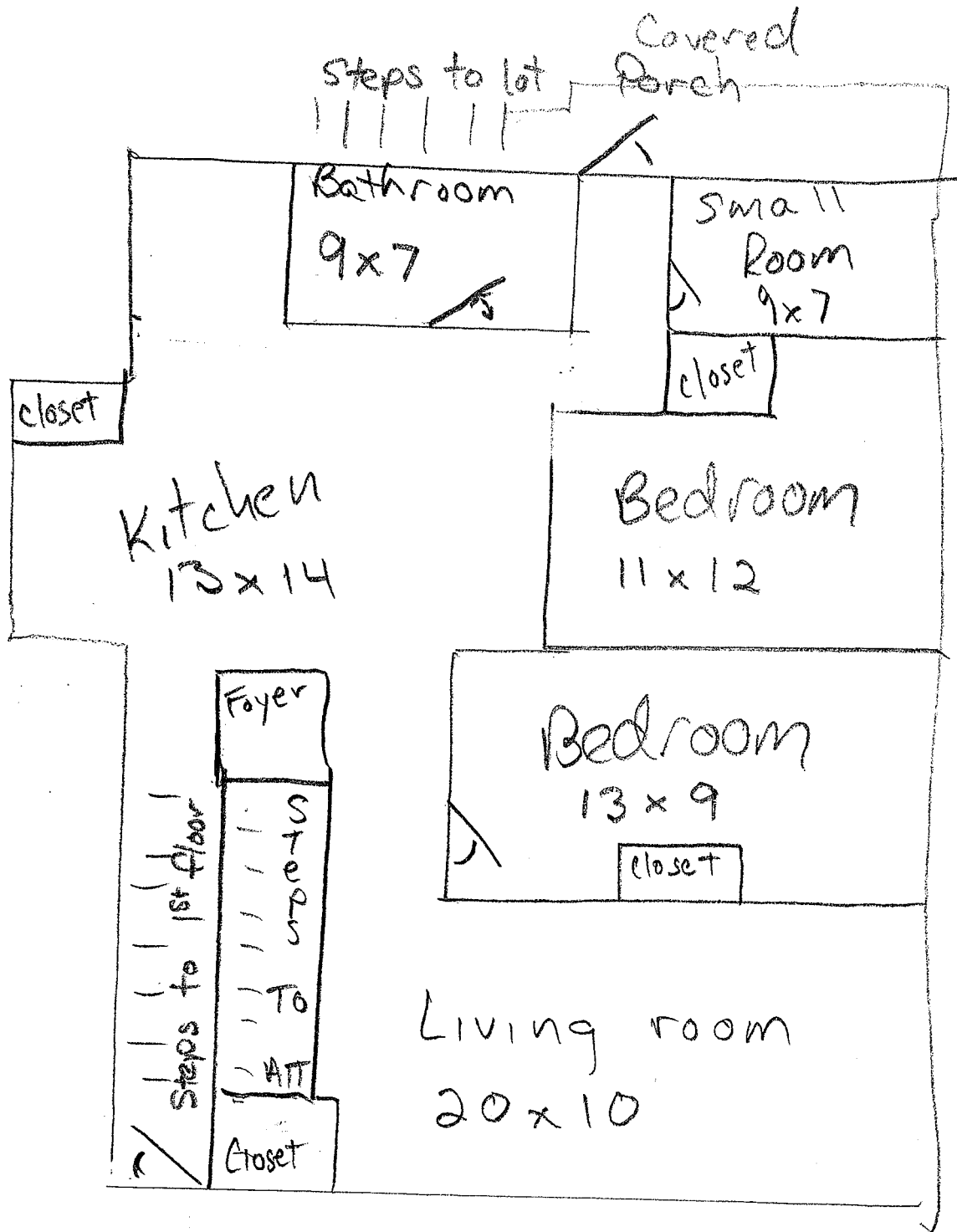
The property is I-1 Industrial. The property does not meet the requirements for I-1 such as lot size, building size, or any business that would be neighbor friendly

The property has a Property Class of 2 family residential and has always been a residential two family, it has 6 bedrooms, 2 bathrooms, 2 eat in kitchens, 2 living rooms  
The property also has multiple gas and electric meters for 2 boilers and 2 hot water tanks.

A dozen or so houses to the right and left of the property are also used as residential but are zoned I-1

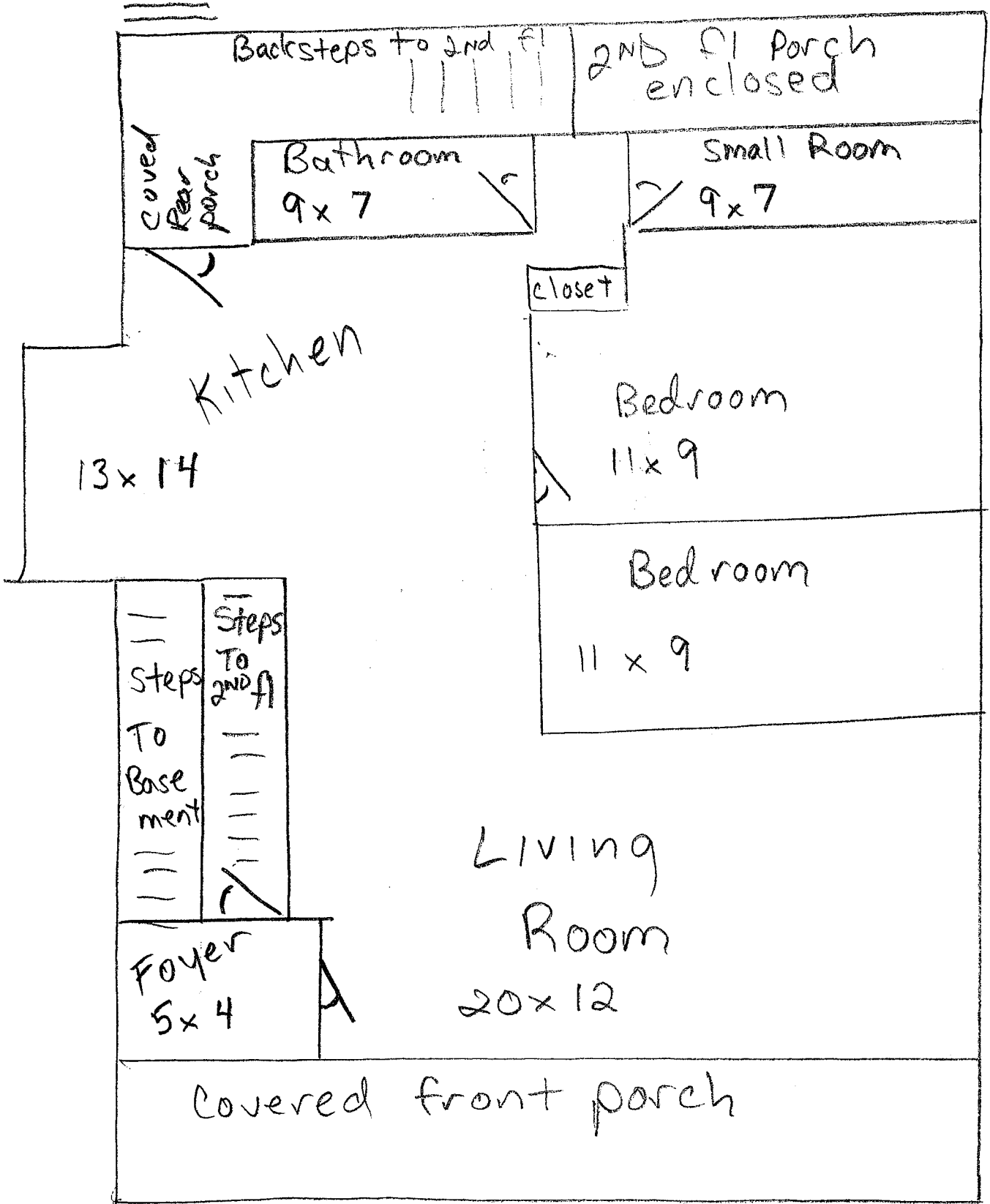
The City of Middletown has sent the owners a request to have the house inspected as a 2 family.

# 2ND floor 24x40



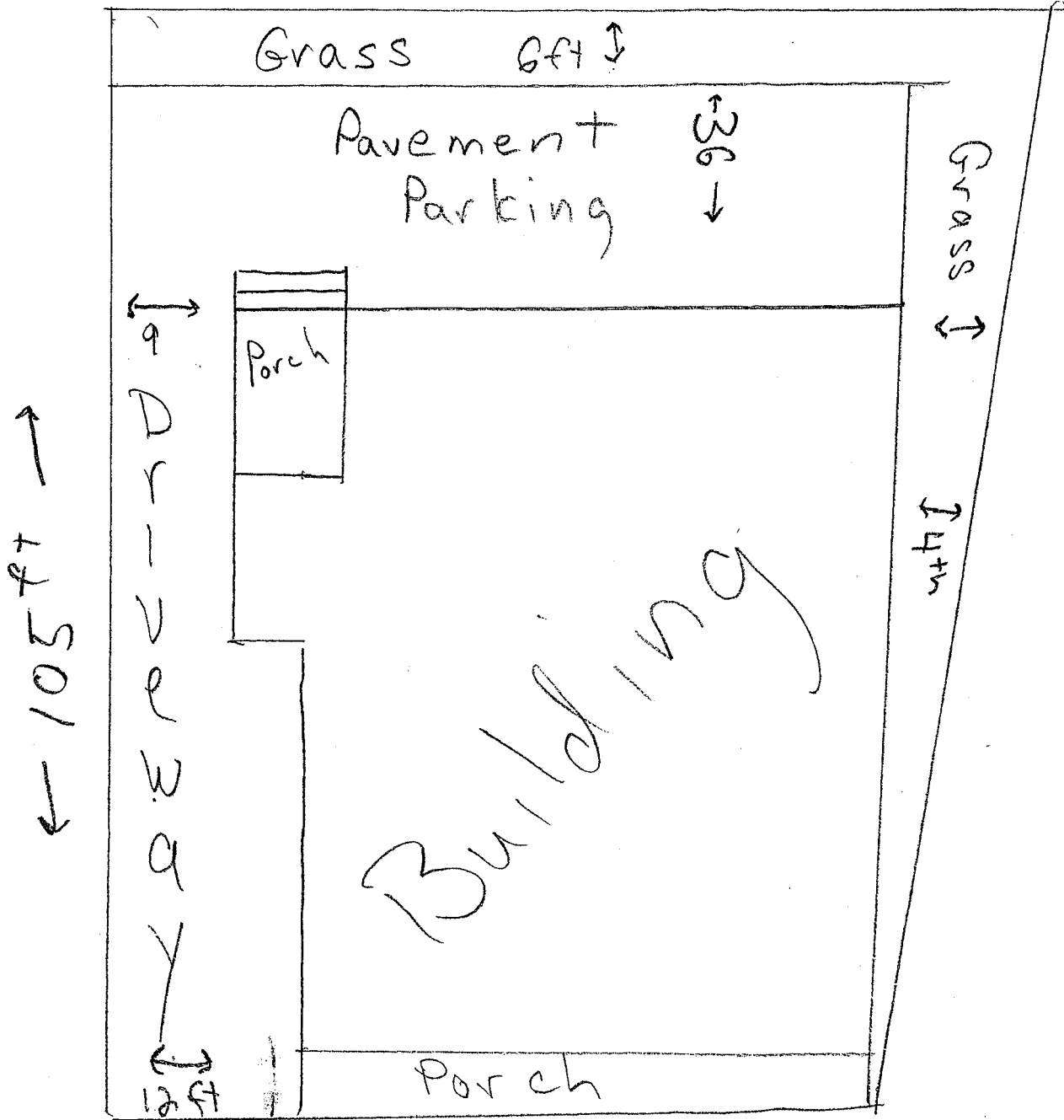


1st Floor 24 x 40



LOT

39 Ft



← 105 ft →

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Driveway

12 ft

Grass 6ft ↓

Pavement Parking 36 ↓

Porch

Building

Grass 14ft ↓

Porch

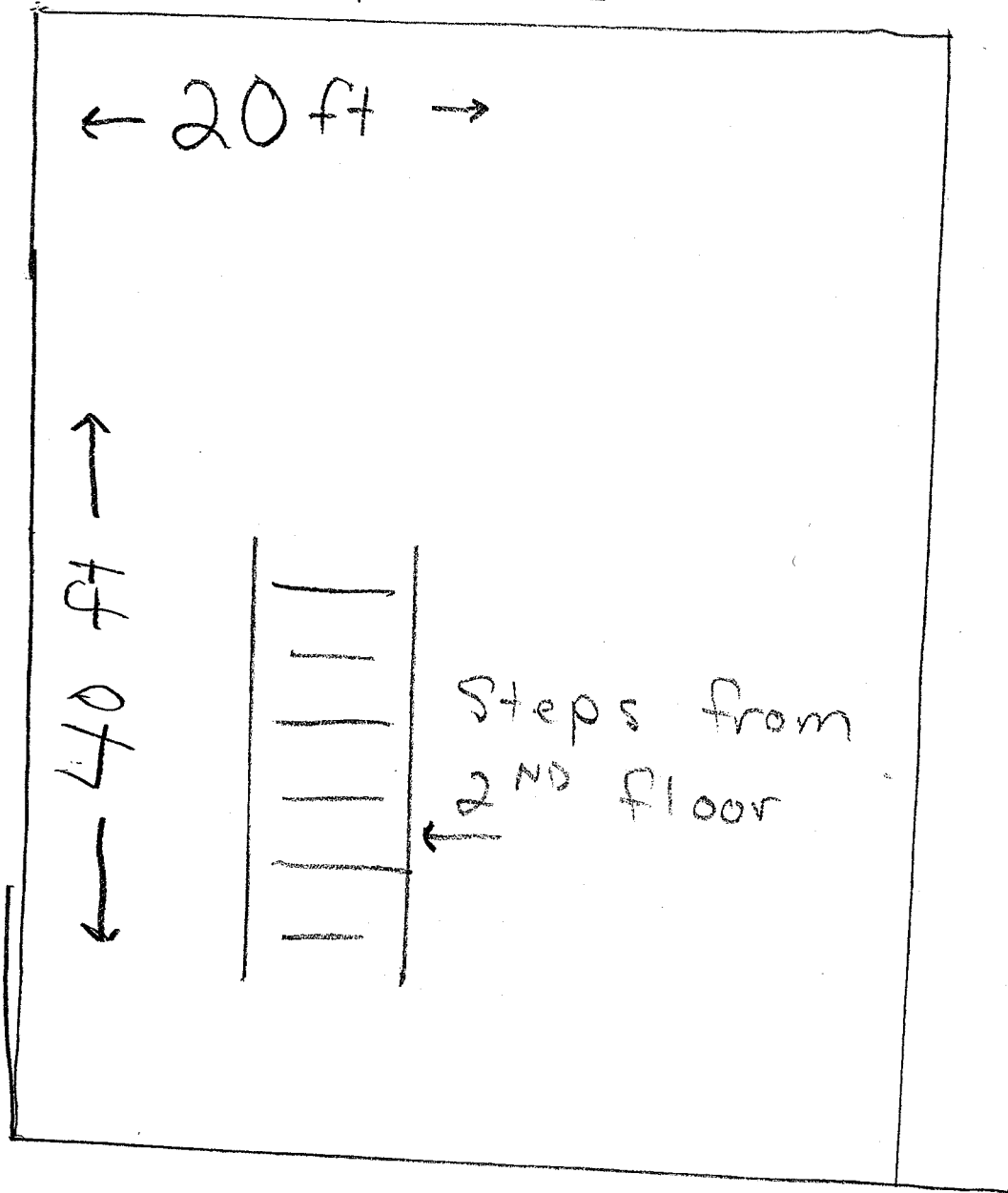
← 35 ft → Front yard

Side walk

North St

Attic

Attic



Enclosed Porch	60	1920
Enclosed Porch	48	1920

SELL SCORE			
Rating:	Very High	Value As Of	2021-01-13 23:18:31
Sell Score	895		

ESTIMATED VALUE	
Value As Of	01/31/2021

LISTING INFORMATION			
MLS Listing Number	392581	Closing Price	\$210,000
MLS Status	Sold	Closing Date	06/30/2006
Current Listing Price	\$199,900	Listing Agent Name	39947-Kelth Sumner
Days on Market	13	Listing Broker Name	CB/CURRIER & LAZIER
Original Listing Price	\$199,900		

LAST MARKET SALE & SALES HISTORY			
Recording Date	12/16/2019	Owner Name	Sternhill Moshe & Chaya S
Settle Date	Tax: 11/26/2019 MLS: 06/30/2006	Owner Name 2	Deutscher Aron
Sale Price	\$45,500	Seller	18ster LLC
Document Number	14672-111	Price Per Square Feet	\$27.61
Deed Type	Bargain & Sale Deed		

Recording Date	12/16/2019	09/15/2017	06/27/2016	08/24/2006	03/30/2005
Sale/Settlement Date	11/26/2019	07/25/2017	06/24/2016	06/30/2006	03/23/2005
Sale Price	\$45,500	\$500	\$3,662	\$209,900	\$81,000
Nominal		Y	Y		
Buyer Name	Sternhill Moshe & Chaya S	Deutsche Bk Trust Co A 2006-Qs16	18ster LLC	Checo Artemio G	Winkler Mordechai
Seller Name	18ster LLC	Referee Of Orange County	City Of Middletown	Winkler Mordechai	Newkirk Dorothy
Document Number	14672-111	14290-1900	14068-1718	12240-1228	11793-401
Document Type	Bargain & Sale Deed	Referees Deed	Quit Claim Deed	Warranty Deed	Warranty Deed

Recording Date	
Sale/Settlement Date	04/18/1986
Sale Price	
Nominal	
Buyer Name	Cole Robert
Seller Name	
Document Number	2504-68
Document Type	Deed (Reg)

FORECLOSURE HISTORY		
Document Type	Lis Pendens	Lis Pendens
Foreclosure Filing Date	09/13/2016	11/30/2015
Recording Date	09/13/2016	12/08/2015
Document Number	60335	76802
Book Number	5121	13980
Page Number	995	1383
Original Doc Date		08/24/2006
Original Book Page		12240001232
Lien Type	Other	Mtg