

Agenda

City of Middletown Zoning Board of Appeals

March 15, 2023

7:00 PM

Common Council Chambers

Meeting called by:

Jim Burtis, Chairman

Clerk:

Martina Tu

Members:

Wendy Rodrigues, Marc Woody, Mary Ann Cavallaro, Jim Burtis, Keith Hallock

Approval of February 15, 2023 ZBA minutes

Abraham Rosenbaum

40 Adams Avenue

Area variance for a single-family home

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete 11-28-22

Date 11-28-22

Accepted by WVW

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 40 Adams Ave Middletown NY

Section 44 Block 5 Lot 8

Current Zoning District R1

Building: Existing _____ New ✓

2. Owner of Property Mordechai Austerlitz

Owner's Address 1115 corner st.

City Spring Valley State New York Zip 10977

Phone numbers: Home: (845) 664-3148

Business: _____

Cell: _____

3. Applicant name Abraham Rosenbaum

If different from Owner

Applicants Address 9 Fillmore st.

City Monroe State New York Zip 10950

Phone numbers: Home: (845) 637-5083

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.	475-9E	5000sqft.	4923	77
b.	LOT DEPTH	100	98.46	1.54'

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 seeks to construct a single family house on the subject property, by granting the variance, there will be no undesirable change to the neighborhood, as most of the lots are about this size, an additionally another house on the block will benefit the neighborhood, the hardship was not self created, as this is an existing 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.

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.

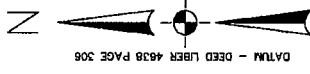
Signature of applicant

Abraham Rosenbaum

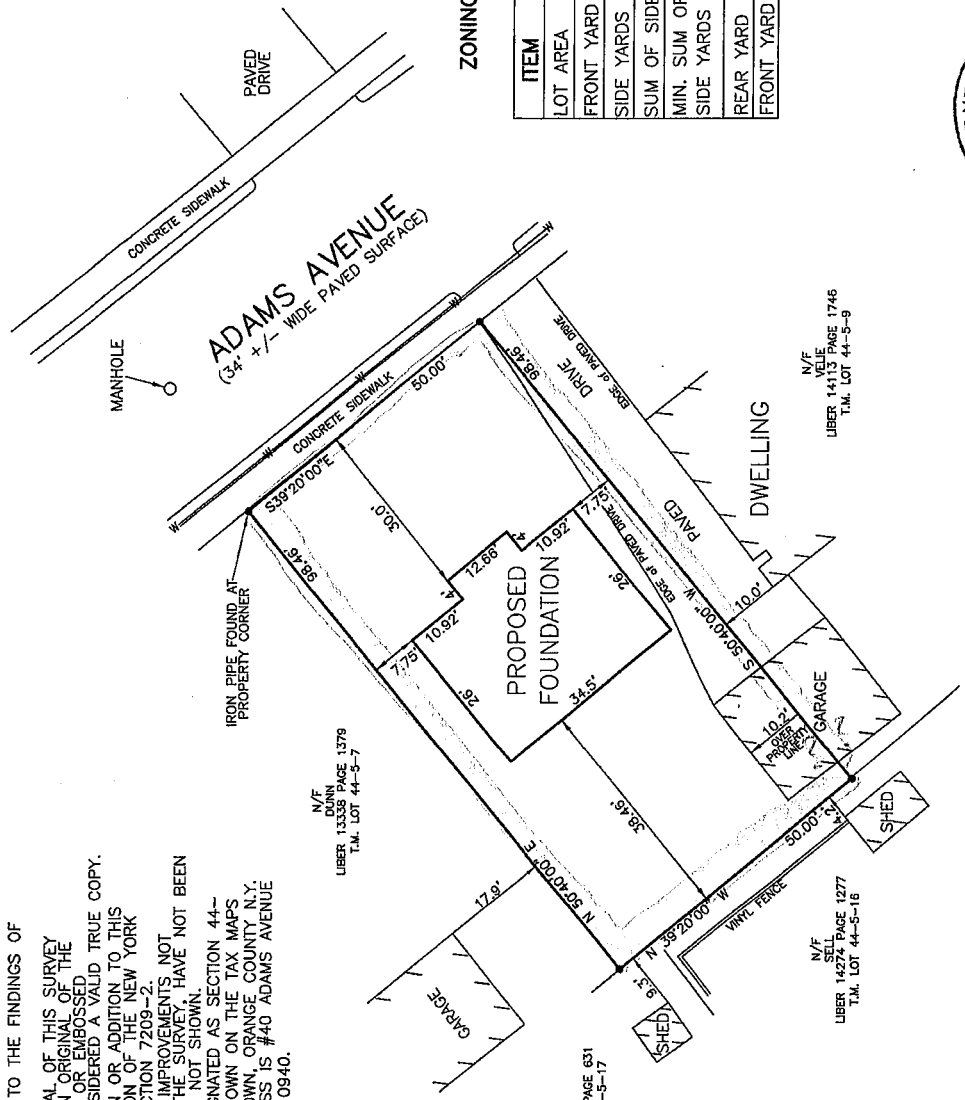
Printed name and title

Abraham Rosenbaum

Date November 10 '22



- NOTES:**
1. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A TITLE REPORT.
 2. COPIES FROM THE ORIGINAL OF THIS SURVEY NOT MARKED WITH AN ORIGINAL OF THE SURVEYOR'S INKED STAMP OR EMBOSSED SEAL, SHALL NOT BE CONSIDERED A VALID TRUE COPY.
 3. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW SECTION 7209-2.
 4. SUBSURFACE UTILITIES OR IMPROVEMENTS NOT VISIBLE AT THE TIME OF THE SURVEY, HAVE NOT BEEN LOCATED, THEREFORE ARE NOT SHOWN.
 5. SUBJECT PARCEL IS DESIGNATED AS SECTION 44-BLOCK 5 - LOT 8 AS SHOWN ON THE TAX MAPS OF THE CITY OF MIDDLETOWN, ORANGE COUNTY N.Y. SUBJECT PARCEL'S ADDRESS IS #40 ADAMS AVENUE MIDDLETOWN, NEW YORK 10940.



ZONING REQUIREMENTS FOR R-1 ONE - FAMILY RESIDENTIAL DISTRICTS

ITEM	REQUIRED	PROVIDED
LOT AREA	5000 SF	4923 SF
FRONT YARD	30 FEET	30 FEET
SIDE YARDS	5 FEET	7.5 FEET
SUM OF SIDE YARDS	10 FEET	15 FEET
MIN. SUM OF SIDE YARDS	30% OF FRONTAGE	30% OF FRONTAGE
REAR YARD	30 FEET	38.46 FEET
FRONT YARD WIDTH	50 FEET	50 FEET

AREA
4923 Sq. Feet
0.1130 Acres



PLOT PLAN FOR
AUSTERLITZ
 CITY OF MIDDLETOWN ORANGE COUNTY, NY
 SCALE 1"=20' NOVEMBER 7, 2022
 PAUL ROGGMAN-PROFESSIONAL LAND SURVEYOR
 11 LAFAYETTE AVE, MIDDLETOWN, N.Y. 10940 845-976-4423

CERTIFICATION:
 I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW, THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON APRIL 14, 2022.

MORDECHAI AUSTERLITZ
 By: *Paul Roggeman P.L.S.*
 PAUL ROGGMAN-PROFESSIONAL LAND SURVEYOR
 NEW YORK LICENSE# 49707