

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

December 18, 2019

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 December 18, 2019 at 7:05 P.M., Joel Sierra presiding.

Members Present: Joel Sierra, Nicholas Barber, Marc Woody

Members Absent: Don Luis, Deborah Clark

Other Attendees: Richard J. Croughan, Corporation Counsel

A motion was made by Mr. Barber and seconded by Mr. Woody to approve the minutes of November 20, 2019 as submitted.

Roll Call Ayes: Joel Sierra, Nicholas Barber, Marc Woody

Raymond Rodriguez
194 Linden Avenue
area variances for a proposed 2-family residential home

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

Mr. Rodriguez: Raymond Rodriguez. I'm here for 194 Linden Avenue.

Mr. Sierra: If you could just brief us on what you want to do with the project.

Mr. Rodriguez: My cousin purchased a property, and he wants to build a two-family house, but the variance said the property was too small. I had a surveyor go there. The property on the left is a foot in on the property line itself, and the house on the right is three feet close to the property line, so I'm here to see if we can have this -- be able to build this house on this property.

Mr. Sierra: You're proposing to do new construction --

Mr. Rodriguez: New construction.

Mr. Sierra: -- two-family dwelling.

Mr. Rodriguez: Two-family house, which I have a picture here of what it would look like.

Mr. Sierra: Mr. Rodriguez, we do have enough for a quorum tonight. We have three members here tonight, but any vote that would be taken tonight would have to be unanimous in order to pass in your favor.

Mr. Rodriguez: Okay.

Mr. Sierra: I just have to disclose that first. Do you have any renderings? Do you have any schematics or anything of the property right now and where the dwelling would be placed or what you're proposing?

Mr. Rodriguez: On the application on the back, there is a survey. I handed the prints to Mr. Welch. This is what the house would look like.

Mr. Sierra: Do members of the Board have copies?

Clerk: Yes.

Mr. Barber: How many bedrooms each side and bathrooms?

Mr. Rodriguez: Each side would be three bedrooms and two bathrooms.

Mr. Barber: What's the total square footage of each?

Mr. Rodriguez: I don't have that exactly with me.

Mr. Croughan: Is there any way to scale it down so it can fit in with what is required?

Mr. Rodriguez: We kind of are as it is now. It's scaled to -- I believe each side is 18 feet by 20 feet wide.

Mr. Croughan: From your application, it appears that you're asking for a width variance from what's required of 75. Your actual is 50, so you're requesting 25 feet?

Mr. Rodriguez: Yes.

Mr. Croughan: And on the E2, you have 7,500 sq.ft. with 4,700 actual, so you're requesting 2,800, so approximately 33 percent on each variance.

Mr. Rodriguez: Yes.

Mr. Croughan: And when you bought the property, you knew how it was configured, right, and what you could do?

Mr. Rodriguez: When we bought the property -- when he bought the property, they told him that he was able to build on the property.

Mr. Barber: Who's they?

Mr. Rodriguez: I guess the Realtor, because at one time there was a home there. There was a two-family home there. If you look at the left --

Mr. Barber: That two-family home was much smaller than what you're proposing though that was there.

Mr. Rodriguez: That was there.

Mr. Barber: Yes.

Mr. Rodriguez: Okay. If I could scale it down smaller --

Mr. Sierra: That's the one that burned down.

Mr. Barber: Yes. The one where you missed the hydrant and lost water pressure.

Mr. Croughan: And what are the surrounding homes in that area?

Mr. Rodriguez: The one to the left if you're looking at the property is a three-family home, and the one to the right is a two-family home, which I have pictures here also.

Mr. Croughan: How about coming down and up the street?

Mr. Rodriguez: That I know of, a lot of one-families on that property -- on that block itself.

Mr. Croughan: So you could build a one-family home; right?

Mr. Rodriguez: Could build a one family. Well, he told me --

Mr. Barber: You don't have blueprints.

Mr. Rodriguez: I do have -- Welch has my blueprints.

Mr. Barber: You only got one set, because we didn't get a copy of it.

Mr. Rodriguez: No, no. There was seven copies made.

Mr. Barber: We didn't get a copy.

Mr. Rodriguez: I'm sorry.

Mr. Barber: It's not your fault.

Mr. Rodriguez: There was seven copies made though.

Mr. Sierra: Of the blueprints or of the site plan?

Mr. Rodriguez: Yes. Of the blueprints itself and the site plan. There's a whole set of prints actually that I handed to Mr. Welch himself.

Mr. Sierra: Okay.

Mr. Croughan: So we need a copy of those to be distributed to the Board.

Mr. Sierra: I'm going to open the public hearing now. Anyone from the public wishing to be heard?

The public hearing was opened.

Mr. Sierra: All right. Any questions from the Board?

Mr. Barber: I'd just like to see a set of prints. I'd like to see a set of drawings before I pass the vote on it.

Mr. Sierra: Now, when did you buy this property?

Mr. Rodriguez: This property was bought about a year ago, year and a half ago.

Mr. Sierra: Year ago?

Mr. Rodriguez: Yeah.

Mr. Sierra: Okay. And are you aware of the zoning?

Mr. Rodriguez: The zoning is for a two-family home.

Mr. Barber: It's R-2.

Mr. Woody: You mentioned how many bedrooms each floor?

Mr. Rodriguez: Each one will be three bedrooms.

Mr. Woody: Three bedrooms? Do you know the square footage of those rooms?

Mr. Rodriguez: I don't know exactly. I believe that -- I think they're 1,800 sq.ft. each one. I think that's what it is.

Mr. Croughan: Do you know what you could build within the building envelope so that you wouldn't need a variance? What size?

Mr. Rodriguez: I don't recall what Mr. Welch had mentioned on there.

Mr. Sierra: All right. We're going to need a few things before we take a vote on this.

Mr. Rodriguez: Okay.

Mr. Sierra: We're going to need a copy of the plans.

Mr. Rodriguez: Okay.

Mr. Sierra: We're going to have to see what you paid for the lot. I know that you're going to be like why is it your business --

Mr. Rodriguez: No, no. I believe he paid \$15,000 for that lot.

Mr. Sierra: One of the conditions is showing a hardship. Understand?

Mr. Rodriguez: Okay.

Mr. Sierra: In order to provide you with the --

Mr. Barber: You're looking for a variance for the depth.

Mr. Rodriguez: The width actually.

Mr. Barber: The width you need 25 feet.

Mr. Rodriguez: Yeah. The width --

Mr. Barber: The depth you need more; correct?

Mr. Croughan: He needs 7,500 sq.ft. in lot area.

Mr. Rodriguez: In total.

Mr. Croughan: And he's at 4,700, so he needs a variance of 2,800.

Mr. Barber: Right. And that's -- the backyard is -- if he was to go back farther with his house, that's how you would create more.

Mr. Sierra: Yes.

Mr. Barber: So my thinking, I was thinking it would create more, you would need more of a variance.

Mr. Rodriguez: Yeah.

Mr. Sierra: We're also going to need to consider parking.

Mr. Rodriguez: The parking was supposed to be in the front of the house. Say the house is going to be recessed back further so the parking could be in the front.

Mr. Barber: Well, that will show on your plan; correct?

Mr. Rodriguez: Yes.

Mr. Barber: Driveway -- two driveways.

Mr. Rodriguez: Two driveways. Yes. Correct.

Mr. Barber: Is that why it's set back farther than the other houses now?

Mr. Rodriguez: It's going to be actually set back lining up with the other houses.

Mr. Barber: That isn't what this shows.

Mr. Sierra: So we're going to have to get those plans in order to --

Mr. Rodriguez: Okay.

Mr. Sierra: -- consider this because I know that parking is an issue on that block.

Mr. Rodriguez: Yes, it is.

Mr. Sierra: It's an issue, so we have to (inaudible) park, consideration of parking. You need a certain amount of recreational area for whoever moves in there. Two three-bedroom dwellings at five and a half kids, a place to spread out.

Mr. Rodriguez: Okay.

Mr. Sierra: So those are the things we have to look at before giving you approval. I understand that, you know, the houses next to it might have different lot lines and stuff, but there was a reason the zoning was changed to avoid mistakes that were done many years ago.

Mr. Rodriguez: I understand that.

Mr. Sierra: But again, 100 years ago, people didn't have two or three cars in their family, you know?

Mr. Rodriguez: Yeah.

Mr. Sierra: It was horse and buggy back then. So that's why it's only -- we're trying to keep up with the modern times.

Mr. Rodriguez: Okay.

Mr. Sierra: So we're going to have to postpone this until -- we'll have to table this until next month.

Mr. Rodriguez: Okay.

Mr. Sierra: And if you can get those documents for us.

Mr. Rodriguez: Absolutely.

Mr. Barber: You said you made seven copies of the --

Mr. Rodriguez: Yeah. Of the prints.

Mr. Barber: -- prints, so we'll get that from Walter, and whatever else he has.

Mr. Woody: What's the total livable or square footage?

Mr. Rodriguez: I believe each one is 1,800 sq.ft., I believe.

Mr. Woody: Next time you come, can you come with the buyer? Is that your brother-in-law?

Mr. Rodriguez: It's my cousin.

Mr. Woody: It's your cousin?

Mr. Rodriguez: Yeah.

Mr. Woody: Can he make it for the next meeting?

Mr. Rodriguez: He lives in Brooklyn.

Mr. Woody: Okay.

Mr. Rodriguez: So it's kind of hard. He gets out of work late.

Mr. Woody: Because if there's questions that we have that the buyer --

Mr. Rodriguez: Like what else? What other questions?

Mr. Barber: He's got power of attorney.

Mr. Rodriguez: I got power of attorney. So if there's anything you need to know, you can ask me. I'll give him a call, and I'll be more than glad to answer any.

Mr. Sierra: All right. So we'll table this until next month.

Mr. Rodriguez: Okay. What date?

Mr. Barber: The third Wednesday at 7:00.

Mr. Rodriguez: The third Wednesday?

Mr. Barber: Yeah.

Mr. Rodriguez: Okay.

Mr. Sierra: I need a motion to table.

Motion to table by Mr. Barber, seconded by Mr. Woody.

Roll call ayes: Joel Sierra, Nicholas Barber, Marc Woody.

Mr. Barber made a motion to adjourn, seconded by Mr. Woody.

Roll Call Ayes: Joel Sierra, Nicholas Barber, Marc Woody.

Adjourned 7:25 p.m.

Respectfully Submitted,

Diane Genender, Transcriptionist