

**CITY OF MIDDLETOWN
ZONING BOARD OF APPEALS AGENDA
SEPTEMBER 17, 2025 7:00 PM
COMMON COUNCIL CHAMBERS**

Meeting called by: Jim Burtis, Chairman

Clerk: Martina Tu

Members: Wendy Rodrigues, Marc Woody, Tracy Racine, Jim Burtis, Keith Hallock

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

Accept the Minutes of _____

NEW BUSINESS

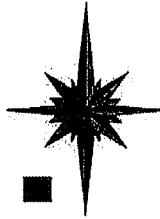
Request of Orange Terrace Properties, LLC for a 6-month extension for area variances related to a proposed (4) four-lot subdivision at Orange Terrace, Middletown

Request of Shiya Leibovitz for area variances in order to have a single-family home in the OR-2 zone located at 92 Linden Avenue, Middletown

ADJOURNMENT

FUSCO

ENGINEERING &
LAND SURVEYING, D.P.C.



233 East Main Street
Middletown, NY 10940

Phone: (845)344-5863
Fax: (845)956-5865

Consulting Engineers

Alfred A. Fusco, Jr.
P.E. Principal

Alfred A. Fusco, III
General Manager

August 15, 2025

City of Middletown
Mayor Joseph DeStefano
16 James Street
Middletown, NY 10940

RE: 2-7 Orange Terrace
Section 33, Block 4, Lots 2-7
City of Middletown
Our File #21-054E

Dear Mayor DeStefano,

We respectfully request an extension of the variances previously granted for the above-referenced properties.

On March 20, 2024, the Board approved variances for four (4) lots to allow a front yard width of 72.3 feet, representing a 2.9-foot or 3.9% variance from the required standard. A six-month extension of these variances was subsequently granted on March 19, 2025.

Due to ongoing project planning and coordination efforts, we are requesting an additional extension to allow sufficient time to proceed with development in accordance with the approved variances.

We appreciate your continued consideration and support, and we are committed to ensuring that the proposed development complies with all applicable zoning and land use regulations.

Please let us know if any further information or documentation is required to process this request.

Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alfred A. Fusco, Jr.", written in a cursive style.

Alfred A. Fusco, Jr., P.E.
Fusco Engineering &
Land Surveying, D.P.C.

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 7/7/2025

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 92 Linden Ave. Middletown NY 10940

Section 16 Block 8 Lot 8 Current Zoning District OR-2

Building: Existing _____ New X

2. Owner of Property 92 Linden LLC

Owner's Address 199 Lee Avenue, Suite 538

City Brooklyn State NY Zip 11211

Phone numbers: Home: _____

Business: _____

Cell: 845-248-1760

3. Applicant name Shiya Leibovitz

If different from Owner

Applicants Address 5 Kerestier Ct

City Monroe State New York Zip 10950

Phone numbers: Home: _____

Business: _____

Cell: 845-248-1760

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.	475-9(F)(1)(a)	Front Yard 30'	12'	18'
b.	475-9(E)	Lot Area 5,000 s.f.	3,988 s.f.	1,088 s.f.

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:

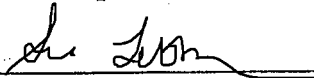
- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an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

Date 7/7/25