

Application for variance to the Town of Olive Zoning Board of Appeals for 5147 Route 213, Olivebridge, NY 12461 - (SBL: 54.1-1-6) - Fire # 1TT22

Jam In Joint Ventures Inc. (JJV) is submitting this application to the Town of Olive Zoning Board of Appeals (ZBA) requesting a variation of Article X, Section 155:A1(5) of the zoning ordinance to allow a side yard setback from the prescribed 20 feet to zero feet.

JJV has owned the piece of property on 5147 Route 213 in Olivebridge, where the US Post Office is located, since January of 2003. About 3 years ago, while discussing the removal of a tree close to the boundary of our property line, we learned that one of the buildings on our property, (a two-car garage) is over the northern property line that we share with our neighbor, Debra Romano. That encroachment is 4.23 feet.

This request for variance is made to allow an application for a lot line adjustment to be re-submitted to the Town of Olive Planning Board. That application is requesting the northern property line between our two properties (from the rear wall of the garage to the middle of Route 213) to be moved 4.23 feet to the north, aligning the revised property line with the existing northern wall of the garage and the northern edge of the driveway. We are requesting the lot line be moved to the edge of the garage/driveway, and no further, to preserve the maximum amount of land in the adjoining parcel owned by Debra Romano. There will be no planned or requested construction as a result of this application.

While I understand the request is not ideal as we would not be allowing for any corridor to allow the northern side of the garage to be maintained, I would like to highlight that with the existing situation, there is no maintenance corridor for the north side of the garage as the current border between our properties is under the garage. If our variance were to be approved, we would merely be preserving the existing status quo with regard to the corridor.

Though we were not aware of it when we bought the property in January of 2003 as we did not have a survey of the property performed, it appears that this encroachment of the garage (and driveway leading to it) has been in place for quite some time. I'm not sure when the current lot lines were drawn/created, but the encroachment has existed since either the lot lines were drawn, or since the buildings were built in the 1920's. In retrospect, when we bought the property from the Van Blarcums in 2003, there was a **misrepresentation on the contract of sale that stated "all buildings, driveways and other improvements on the property are within its boundary lines, and no improvements on adjoining properties extend across the boundary lines of this property"**. Our request for the variance is only looking to rectify this long-standing issue that would correct the misrepresentation on the contract of sale, transfer the minimum amount of land from Debra Romano to JJV, and allow unencumbered transfer of the property to new owners when we decide to sell.

Sincerely,



Matthew D'Altorio on behalf of Jam In Joint Ventures Inc.

917-575-0177 – mgdaltorio@gmail.com

NOTICE — This APPLICATION must be filed in duplicate within 30 days of the date of the order of the administrative official on which application is based, accompanied by necessary data. (See reverse side of this sheet.)

TOWN OF OLIVE
BOARD OF APPEALS

Owner: JAM IN JOINT VENTURES INC.
 Address: 1025 N. FULTON AVE
LINDENHURST, NY. 11757
 Signature: [Signature]
 Date: 12/7/23 Phone: 917-575-9177
 Applicant, if other than owner:
 Address: _____
 Phone: _____

(For Office Use Only)	Date	Initials
Cal. No. _____		
Application & Fee Rec'd. _____		
Other Req. Documents/Information Rec'd. _____		
Hearing Notice Given _____		
Copy Sent to Town Board and Planning Board _____		
Planning Board Opinion Rec'd. _____		
Public Hearing Held _____		
Decision Notice Sent _____		
County Planning Board Referral _____		
Notice to Abutting Property Owners _____		

Interest of applicant, if other than owner: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF OLIVE: Application is hereby made for:

- A Variation of Article X, Section 155: A1 (5) of the Zoning Ordinance.
- An Interpretation of Article _____, Section _____ of the Zoning Ordinance.
- An Interpretation of the Zoning Map in the _____ (Describe the general area)
- Appeal under Section 280(a) of the Town Law.
- An Appeal from an Order of the Zoning Inspector to correct a Violation of the Zoning Ordinance, Section _____
- (Other) SIDE YARD SETBACK FROM 20' TO 0'

and further described as follows (Specify ruling sought):

1. Location of Affected Premises

5147 RT. 213, OLIVE BRIDGE, NY 12461
 (Give street number, name, site distance from cross street)
 and shown on the Tax Map (if any) as: Sheet 54.1 Block 1 Lot 6
 Zoning District BUSINESS VILLAGE 1/2 ACRE

2. Size of Lot: Front 145.65 Rear 108.93' Depth 280.25'/275.48' Area 0.806 ACRE

3. Have previous appeals been filed in regard to these premises? NOT TO MY KNOWLEDGE

(if yes, give calendar number and date, if any)

Cal. No. _____ Date _____
 Cal. No. _____ Date _____
 Cal. No. _____ Date _____

4. Has court summons been served relative to this matter? NOT TO MY KNOWLEDGE

5. Have you inquired of the Clerk of the Town of Olive whether there is any petition pending to change the use district regulations affecting the block on which these premises are located? NO

6. ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:

(Note— All these papers must be submitted with the application or as required by the Board)

a. A facsimile copy of decision of order of administrative official on which application is based.

b. A statement of the grounds on which I base my application with a clear and accurate description of proposed work, if any.

c. THREE SETS OF DIAGRAMS, including:

a block diagram with street numbers and tax block and lot numbers (if any and street frontage, showing the character and occupancy of all property affected, with points of compass and scale indicated. A copy of ground floor plans and elevation of buildings with all necessary measurements. A copy of Zoning Map for location.

d. A full list of NAMES and ADDRESSES of owners of all property shown on block diagram or all abutting properties; and indicating property owned by Tax Section, Block and Lot numbers (if any.)

e. Duly acknowledged or signed consents, given by such property owners; affidavits of publication and service of notice by mail, and such other data or information as the Board may deem necessary when specifically asked for by the Board.

f. Copy of notice to the particular Town office, offices or agency from whose order I have appealed.

g. A fee in the amount of \$ 75⁰⁰

(Spaces below to be completed by the Notary Public except where otherwise indicated)

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Sworn to before me this _____ day)

(Applicant to sign here)

of _____, 19_____

AFFIDAVIT OF OWNERSHIP

State of New York)
County of _____) _____ being duly sworn,

deposes and says that he resides at _____ in the Town of

_____ in the County of _____, in the State of _____

and that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Olive, N.Y., aforesaid

and known and designated on the Tax Map (if any) as Lot Number _____ in Block _____ on Sheet _____

and that he hereby authorizes _____ to make the annexed application in his behalf and that the statements of

fact contained in said application including the statements contained in all of the exhibits transmitted herewith are true.

Sworn to before me this _____ day)

of _____, 19_____

(Notary Public)



PO Box 180, West Shokan 12494 / Building Department (845) 657-8118, Ext. 18

11/29/2023

Matthew D'Altorio
5147 RT 213
Olivebridge, NY 12461

RE: 5147 RT 213 and 5155 RT 213-Denial Letter for the lot line adjustment

Dear Property Owner,

Your proposed Planning Board lot line adjustment application is unacceptable according to our current zoning.

It does not allow setbacks that are the minimum amount necessary.

The setbacks are in a BV 1/2 acre zoning the following,
front 50, side yards 20 rear yard 50.

I recommend you to go to the Zoning Board of Appeals for the variance.

Sincerely,

John Ingram
/Code enforcement Officer/

Town of Olive Zoning Board of Appeals

December 7, 2023

PO Box 513

Shokan, NY 12481

Dear Sir/Madam,

My name is James Rueda. I am business partners with Mr. Matthew D'Altorio, under the corporate name of Jam In Joint Ventures Inc., which owns the property located at 5147 Route 213 Olivebridge, NY 12461 (SBL: 54.1-1-6). We are equal co-owners of said corporation.

I, James Rueda, allow Matthew D'Altorio to act as my agent to represent my interest in Jam In Joint Ventures Inc., in applying to the Town of Olive Zoning Board for an area variance.

I can be reached at 917-335-2064 if you need to contact me regarding this matter.

Sincerely,



James Rueda

Vice President & Secretary

Jam In Joint Ventures Inc.

State of NY, County of *Queens*
On this *7th* day of *December*, 20*23*
the foregoing instrument was acknowledged
before me by *Jaime Rueda*
to me known and known to me to be the
person who executed foregoing instrument


Notary Public

JOANNE SANTANGELO
Notary Public, State of New York
No 01SA6323067
Qualified in Suffolk County
Commission Expires April 13, 20*27*

JAM IN JOINT VENTURES INC.

50-755/213

579

PH. 212-841-3569
1025 N FULTON AVE
LINDENHURST, NY 11757

DATE *Dec 7, 2023*

PAY TO
THE ORDER OF

TOWN OF OLIVE

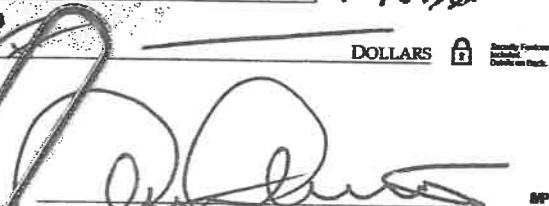
\$ 75.⁰⁰/₁₀₀

Seventy Five + 00

DOLLARS  Security Features
Detailed on Back.

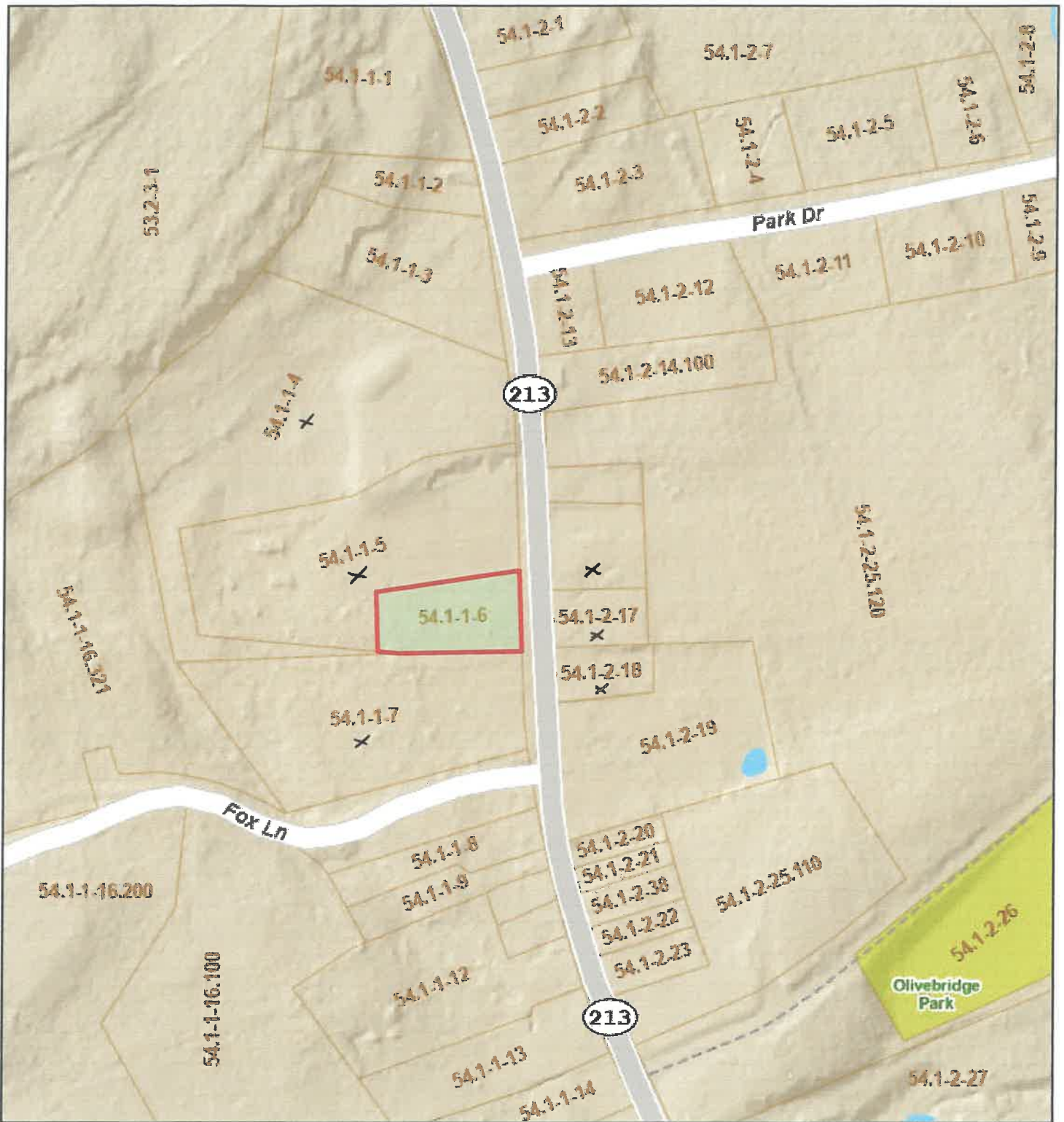
Community
 Bank N.A.
Boiceville, New York 12412 316

MEMO *ZBA fee*



⑆021307559⑆ 10691491 8579

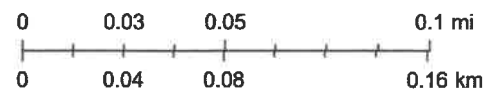
Ulster County Parcel Viewer



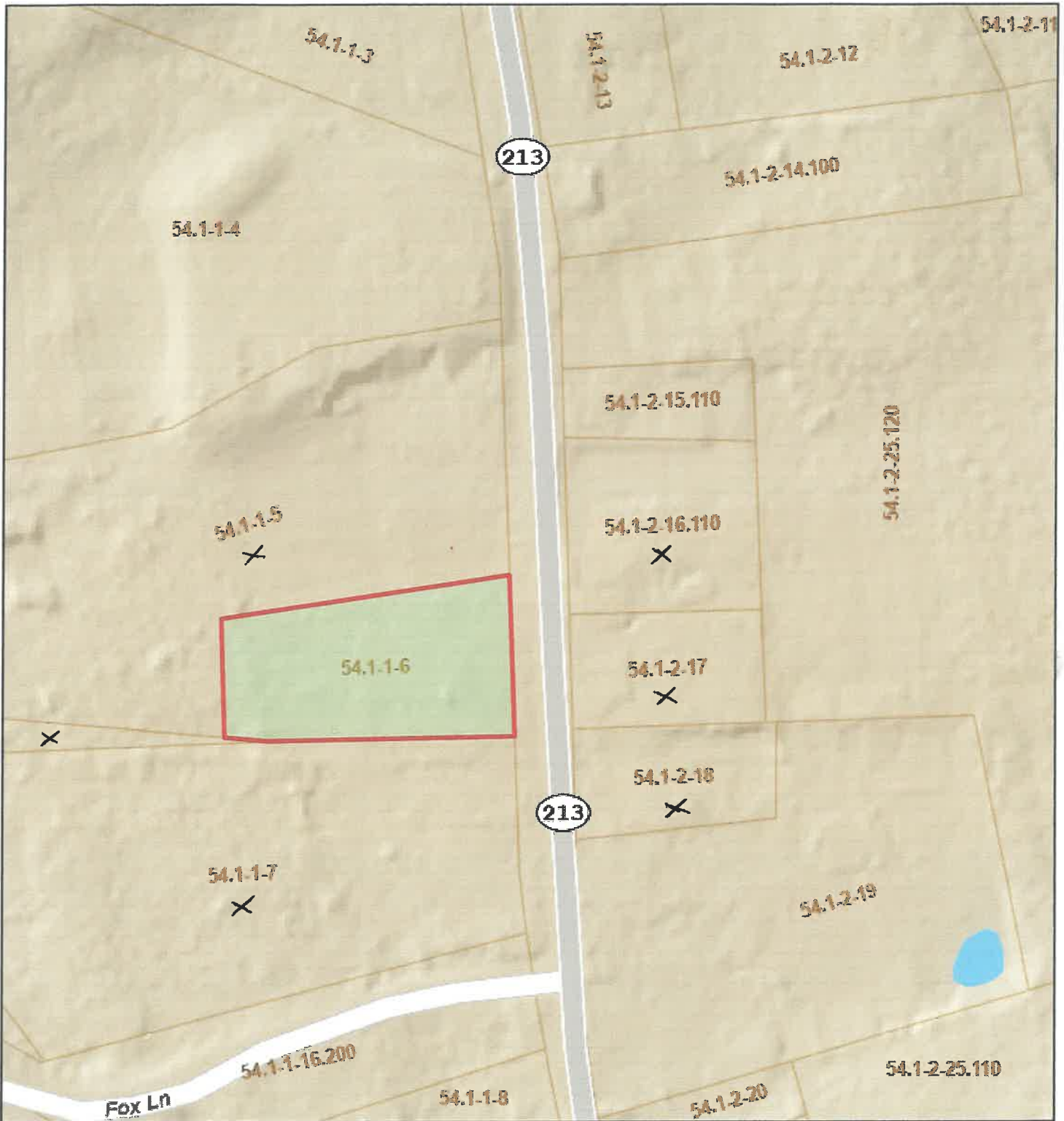
December 2, 2023

-  Override 1
-  Override 1
-  Override 1

1:4,009

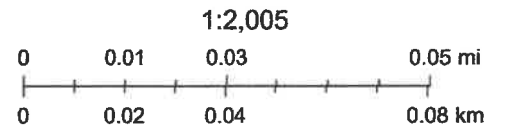


Ulster County Parcel Viewer



December 2, 2023

-  Override 1
-  Override 1
-  Override 1



Listing of properties that adjoin and or that are across the street (Rt 213) from 5147 Route 213 Olivebridge, NY 12461.

54.1-1-4 (adjoining)

Paul D. Alexander

Kimberly A Krickhahn

5157 Rt 213

Olivebridge, NY 12461

54.1-2-18 (across street)

Marion C. Walsh

5124 Rt 213

Olivebridge, NY 12461

54.1-1-5 (adjoining)

Debra Romano

5155 Rt 213

Olivebridge, NY 12461

54.1-1-7 (adjoining)

Andrew Kurt Bennett

Ryan Thomas Bennett

771 North Summercreek Court

Springfield, MO 65802

54.1-2-16.110 (across street)

Melinda A. Robinson

P.O. Box 1323

Olivebridge, NY 12461

54.1-2-17 (across street)

Patrick Burns

Rosanne Kappel

5126 Rt 213

Olivebridge, NY 12461

From: **Town of Olive- Building Department**
olivebuildingzoning@gmail.com
Subject: **Re: Listing of properties adjoining or across the street from
US Post Office**
Date: **Dec 8, 2023 at 10:47:08 AM**
To: **Matthew D'Altorio mgdaltorio@gmail.com**

Dianna said the list is correct.

On Thu, Dec 7, 2023 at 11:13 AM Matthew D'Altorio
<mgdaltorio@gmail.com> wrote:

Hello Eniko,

As we discussed this morning, here is the list of properties that adjoin or are across the street from the subject property; 5147 Rt 213 (US Post Office). ~~Can you please have the Town Tax Assessor validate the accuracy of the list as well as the accuracy of the mailing addresses and send the list back to me?~~

Thank you for your help in this matter.

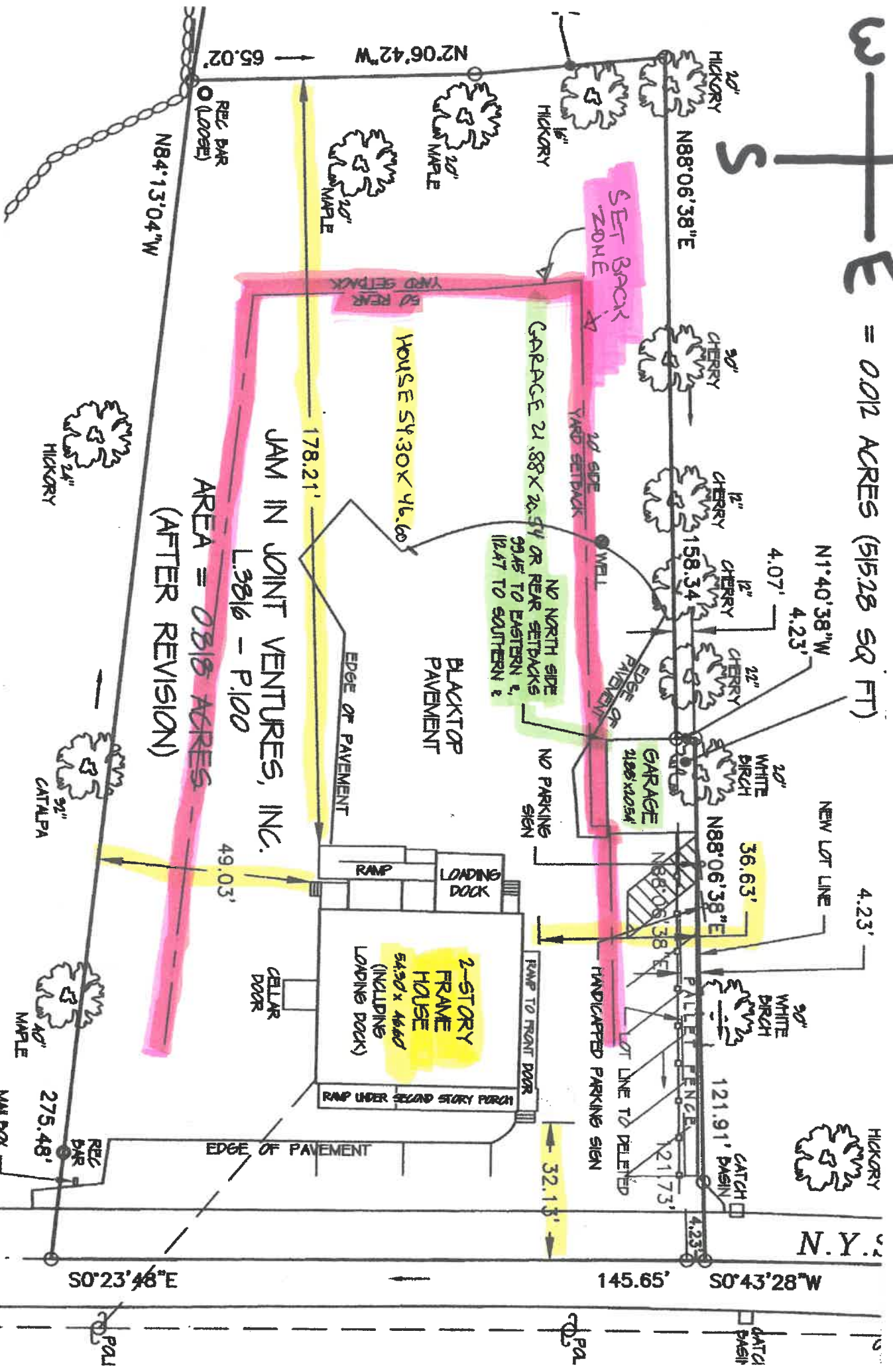
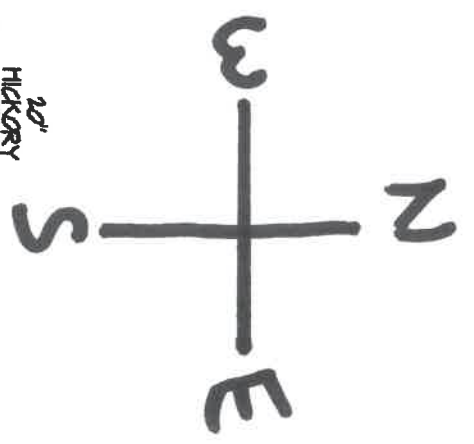
Regards, Matthew D'Altorio

5147 RT 213 OLIVERBRIDGE, NY 12461

SBL 54.1-1-6 FIRE# 1TT22

NO NEW CONSTRUCTION

= 0.012 ACRES (51528 SQ FT)



JAM IN JOINT VENTURES, INC.
AREA = 0.012 ACRES
(AFTER REVISION)
L.3816 - P.100

HOUSE 54.30 x 46.60

GARAGE 21.88 x 26.54

BLACKTOP PAVEMENT

2-STORY FRAME HOUSE (INCLUDING LOADING DOCK)

SETBACK ZONE



N.Y.

DATA Basin

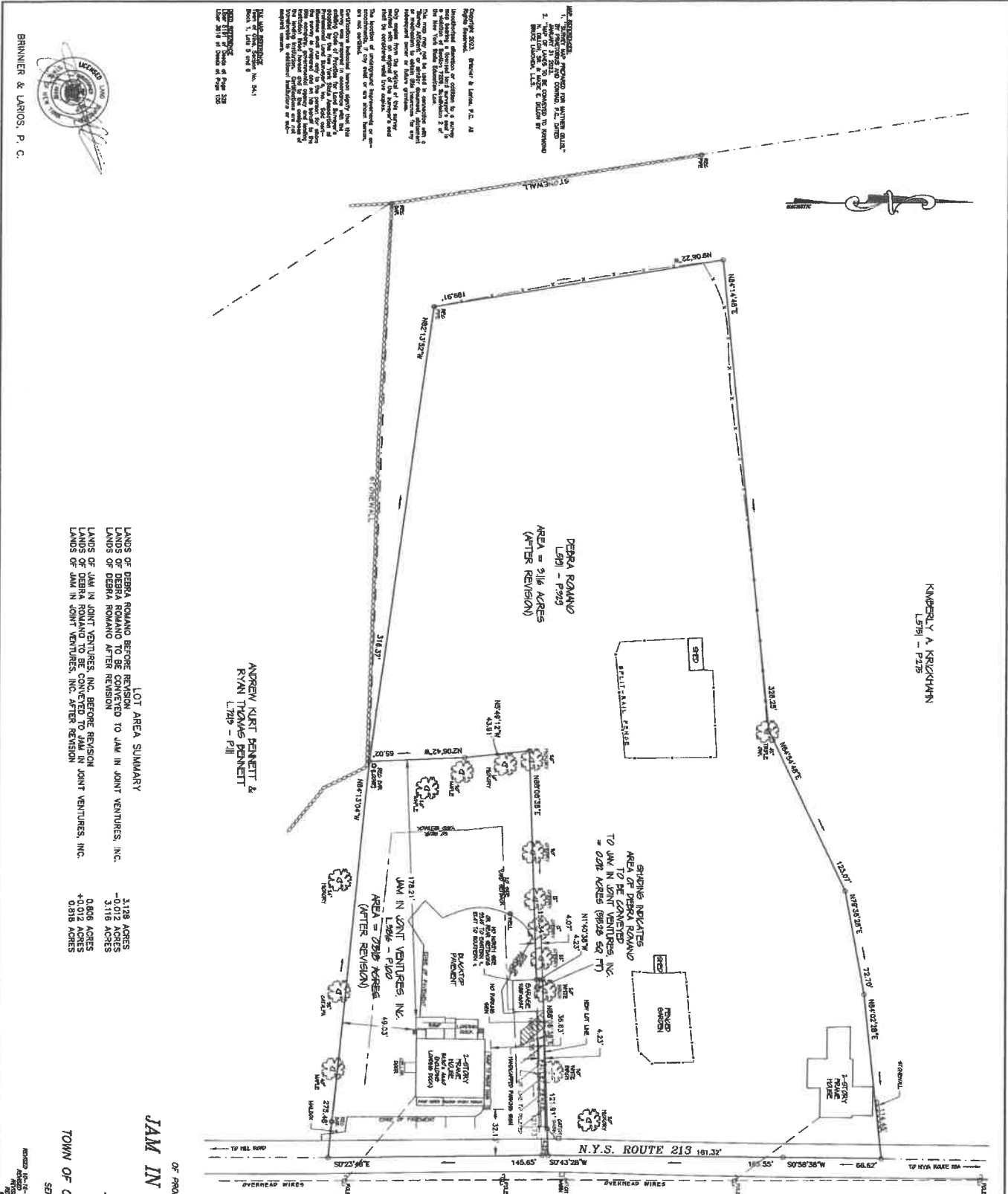
145.65'

50°23'48"E

50°43'28"W

DATA Basin

DATA Basin



KIMBERLY A KRUGMANN
L759 - P275

DERBA ROMANO
AREA - 3116 ACRES
(AFTER REVISION)

SHEDS INDICATES
AREA OF DERBA ROMANO
TO BE CONVERTED
TO JAM IN JOINT VENTURES, INC.
= 028 ACRES (9745 SQ FT)

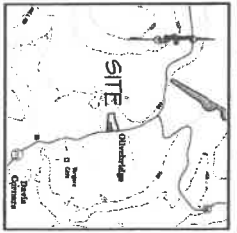
JAM IN JOINT VENTURES, INC.
AREA - 2319 ACRES
(AFTER REVISION)

ANDREW KURT BENNETT &
RYAN THOMAS BENNETT
L749 - P111

LOT AREA SUMMARY
LANDS OF DERBA ROMANO BEFORE REVISION - 3128 ACRES
LANDS OF DERBA ROMANO TO BE CONVERTED TO JAM IN JOINT VENTURES, INC. - 0.012 ACRES
LANDS OF DERBA ROMANO AFTER REVISION - 3116 ACRES
LANDS OF JAM IN JOINT VENTURES, INC. BEFORE REVISION - 0.885 ACRES
LANDS OF DERBA ROMANO TO BE CONVERTED TO JAM IN JOINT VENTURES, INC. - 4.012 ACRES
LANDS OF JAM IN JOINT VENTURES, INC. AFTER REVISION - 0.819 ACRES



BRUNNEN & LABROS, P. C.



APPROVED BY THE PLANNING BOARD OF THE TOWN OF OLIVE, ULSTER COUNTY, NEW YORK

DATE: _____

MEMBER: _____

MEMBER: _____

MEMBER: _____

OWNERS' CONSENT TO FILE

I HEREBY GRANT BY APPROVAL OF THIS PLAN AND CONSENT TO THE FILING OF IT IN THE TOWN OF OLIVE, ULSTER COUNTY, NEW YORK.

DATE: _____

MEMBER: _____

MEMBER: _____

MEMBER: _____

TOWN ZONING INFORMATION¹

FORMER: B-1-1/2 BUSINESS VALUE

LOT AREA PER ANNE BUILDING LINE:	1/2 ACRE
MINIMUM LOT DEPTH:	150 FEET
MINIMUM LOT DEPTH:	150 FEET
MINIMUM SETBACKS: SIDE YARD:	50 FEET
MINIMUM SETBACKS: REAR YARD:	50 FEET
MINIMUM SETBACKS: FRONT YARD:	50 FEET
MINIMUM BUILDING HEIGHT:	30 FEET
MINIMUM BUILDING COVERAGE (ALL):	30%

- On details site has been a 600-1000 sq-ft area that has been used for storage of materials and equipment. This area is to be removed and the site to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area.
- The site is to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area.
- The site is to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area. The site is to be redeveloped as a 1000-1500 sq-ft area.

MAP
OF PROPOSED LOT LINE REVISION BETWEEN LANDS OF
JAM IN JOINT VENTURES, INC.

AND LANDS OF
DERBA ROMANO
5142 AND 5135 A.V.S. ROUTE 213
TOWN OF OLIVE
ULSTER COUNTY
NEW YORK

SEPTEMBER 5, 2023 SCALE: 1" = 30'

REVISION: 10/12/2023 TO REMOVE UNLAWFUL SECTION OF LOT LINE AT N.Y.S. ROUTE 213
REVISION: 10/12/2023 TO CORRECT UNLAWFUL SECTION OF LOT LINE AT N.Y.S. ROUTE 213
REVISION: 10/12/2023 TO CORRECT UNLAWFUL SECTION OF LOT LINE AT N.Y.S. ROUTE 213