

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JANUARY 17, 2013 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:55 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	John Urcioli	Chairman
	Janet Gigante	Member
	James Tanner	Member (arrived at 8:10 pm)
	Jack Barbera	Member
	Stan Shipley	Member
Others Present:	Ira Emanuel	Asst. Village Attorney
	Gloria Scalisi	Planning & Zoning Clerk
Absent:	Rodney Gittens	Member
	Alice DiSanto	Member

Member Gigante made a motion to approve the minutes of December 20, 2012, seconded by Member Barbera. Upon vote, the motion carried unanimously.

Yosef Emuna
96 Viola Road
49.05-11-15
Public Hearing—Continued

Application of Yosef Emuna, 129 Grandview Avenue, Monsey, New York 10952, in connection with a proposed re-approval of a two-lot subdivision, for Variances from the requirements of Article IV (Section 195-13), Use group m, of the Zoning Local Law of the Village of Montebello: for proposed lot 1: Column 8 (Side Yard), Required 25' Feet, Proposed 10.6' feet; for proposed lot 2: Column 2 (Minimum Lot Area), Required 50,000 sq. feet, Proposed 38,220 sq. feet; Column 4 (Front Setback), Required 50'feet, Proposed 15.3'feet[Spook Rock Road] 40.3'feet[Viola Road]; Column 5 (Front Yard), Required 50'feet, Proposed 15.3'feet[Spook Rock Road] and 40.3'feet[Viola Road]; to permit construction, maintenance and use of a new single family dwelling on proposed lot 1 and an existing single family dwelling on proposed lot 2. The subject property is located on the north side of Viola Road approximately Zero feet of the intersection of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.05, Block 1, Lot 15 in a RR-50 Zone.

In attendance are the applicant and applicant's attorney, Mr. Yosef Emuna and Mr. Barry Haberman.

Mr. Ira Emanuel, Assistant Village Attorney, informed the Applicant that he would have less than a full board with two members absent and Member Tanner running late. Mr. Emanuel stated that the Applicant would have the option of adjourning till next month or continuing with less than a full board. Mr. Haberman stated that the Applicant would like to continue on.

Chairman Urcioli read the Village Engineer's, Martin Spence, report dated January 16, 2013 (copy attached).

Chairman Urcioli stated that he personally spoke to Mr. Spence and asked him what he estimates the cost would be to bring this house up to livable conditions and also conditions equal to the neighborhood. Chairman Urcioli stated that Mr. Spence replied \$200,000 for livable and \$400,000-\$500,000 for neighborhood conditions.

Member Tanner stated that he also viewed the conditions of the property and feels that \$200,000 for livable conditions is too low. Member Tanner believes that in order to bring the house up to livable conditions it would cost \$375,000.

Mr. Haberman stated that he researched the state registry and the national registry and the house is not registered as a landmark status on any of the registries. The Town of Ramapo has the house as being built in 1910. There will be no grant monies if the house is not registered with landmark status. There is no grant money available.

Mr. Haberman would like the variances granted as presented. Therefore if someone came along and wanted to purchase the home to restore it they could but if they purchased it and wanted to "knock it down" they could with an application to the Planning Board that meets the requirement to build within the footprint.

Chairman Urcioli questioned the Applicant on whether Mr. Emuna is the owner of the property. Mr. Haberman replied that Mr. Emuna is the owner of the property. Chairman Urcioli stated that the Applicant needs to make a decision on whether or not he wants to keep the house.

Mr. Emuna stated that right now he will keep the house in disrepair for sale.

Chairman Urcioli stated that he has a problem with the Applicant keeping the house in disrepair.

Mr. Emanuel stated that the dilemma facing the Board, the dilemma created by the Applicant, is that the variances that were granted and the subdivision that was approved were based upon the assumption that the "old" house would remain and be used as a residence. Now, a few years later, the house would require major improvements. Mr. Emanuel stated that at previous meetings the Applicant stated that he had no interest in keeping the house and now the Applicant would like to keep the subdivision configured as is with the same variances but is not sure if the house will stay.

Mr. Emuna stated that the house itself is unsalable. Laurie DiFrancesco, licensed real estate broker for Mr. Emuna, stated that they have had 126 detailed looks at the house and has spoken to approximately 25 people who consistently state that it is nice to see an older home. The

estimates received from buyers fall around \$350,000 and when put together with any land value and where it is situated on the corner it is not a true marketable property. Ms. DiFrancesco stated that what Mr. Emuna would like to do is build homes in Montebello that fit in Montebello. He does not need the variances for the front lot because it will be coming down but the subdivision application in front of the Board refers to the variances.

Mr. Emanuel appreciates Ms. DiFrancesco's explanation since it is consistent to what has been discussed at the meetings. The dividing line on the property was set to accommodate the house. Now it is effectively a clean slate. Mr. Emanuel stated the question for the Zoning Board and the Applicant is if the subdivision dividing line is in the right place. The Applicant needs to answer that question initially. The Board should not be designing the subdivision for the Applicant.

Chairman Urcioli stated that the Applicant needs to make a decision on the house also.

Mr. Emuna would like the dividing line to be straight down the middle. Mr. Emuna stated that he would present a new map at the next Zoning Board of Appeals meeting.

Mr. Haberman stated that the two lots will be net 44,000 square feet.

Chairman Urcioli made a motion to open the Public Hearing.

Mr. Arnold Hecht, 162 Spook Rock Road, Montebello, stated the he would prefer the house coming down and the lots split evenly.

Member Shipley made a motion to continue the Public Hearing for Yosef Emuna, 96 Viola Road until the next scheduled Zoning Board of Appeals meeting on February 21, 2013, seconded by Member Gigante. Upon vote, the motion carried unanimously

Member Gigante made a motion to adjourn the meeting, seconded by Member Barbera. Upon vote, the motion carried unanimously. The meeting adjourned at 8:25 p.m.

Appendix
January 16, 2013

Zoning Board of Appeals
2044)
Village of Montebello
1 Montebello Road
Montebello, NY 10901

Via Fax (845-368-

Re: 96 Viola Road 49.045-1-15
Zoning Board of Appeals Application Review of Existing Dwelling Conditions

This office serves as Village Engineer for the Village of Montebello.

This office has been requested to inspect and provide comments on the condition of the existing dwelling.

Based on information within prior applications for the subject property the original dwelling may have been constructed in the 1840s with subsequent additions. The property consists of 2.22 acres or 96,724 SF and is located at the NW intersection of Viola Road and Spook Rock Road. The property contains a primary dwelling as well as various outbuildings and barns and mature trees.

The primary dwelling is located within the (front) setback lines of Viola and Spook Rock Road as it pre-dates any zoning regulations. The dwelling consists of 2 story living space with a full basement under portions of the structure. The living area is approximately 3,800 SF. The basement area (full height) is approximately 1,600 SF.

Comments:

Basement

The basement primary framing support and vertical supports are in poor condition with evidence of some past repairs including sistering joists as well as installation of some 20 +/- screw jacks posts supporting girders below the framing. The screw jacks are only deemed as a temporary measure as they have no footings and can be adjusted. They are not permanent supports. Typically they are added to structures where wood creep or excessive deflections require some supplemental support.

Masonry/stone foundation walls were found to be generally in fair condition.

Many of the joists have evidence of termite and/or powder post beetle damage including section loss.

Any repairs to the structure will necessitate stabilization of the primary columns and girders as well as floor joists within the basement. At this time, the deficiencies within the framing and support in the basement does not show any significant results in the first floor such as floor collapse. Some uneven flooring or "bounce" is expected in aged floor systems.

The repairs required to stabilize the structure within the basement are considered significant to bring them to current code and/or adequate supporting conditions. Based on the area and scope of work, a cost of approximately \$30,000 to \$40,000 is anticipated for the replacement of girders/joists as well as constructing new permanent columns within the basement.

First Floor

There are localized damages that need repair within the first floor but these damages are limited to the kitchen and bathroom at the rear of the house where some walls or ceilings have been removed, possibly due to some piping leaks. Cabinets have been removed and the flooring would need to be replaced within the kitchen. Bathroom renovations would be required.

The front door exterior platform area is heavily deteriorated and some evidence of wood rot is visible at the lower portions of the front door.

The balance of the first floor including living and dining rooms and a family type room appear to be in fair condition including intact windows, walls and floors.

The kitchen condition is the worst on the first floor.

Second Floor

The second floor has accommodations for 5 bedrooms and generally consists of hardwood flooring and low ceiling heights (approximately 7').

Bath at second floor rear is fully gutted of wall and floor finishes as well as plumbing. The bath at the main hallway has some localized damages at the walls where some copper piping was removed.

Bedroom conditions including flooring, walls and windows were in fair condition.

Exterior, Mechanicals and Miscellaneous

Roof is in fair condition and records show that the roof was replaced within the last 10 years (approximately 2006)

Siding is in fair condition with some localized deficiencies.

Maintenance cleaning of the gutters are required. The dwelling should be locked to prevent unwanted intrusion. The rear door was unlocked.

Upgrades and repairs to the hot water radiator system is anticipated as at least one radiator had a crack.

No indication of amount of insulation at the exterior walls could be determined.

A mold like (not a mold expert and no tests were conducted) substance existed on some of the wall and trim pieces within the dwelling including at second floor rear bedroom and first floor living room (opposite front door). These conditions may have resulted due to lack of climate control.

At the time of the inspection electrical power was not working (disconnected?).

SUMMARY

The finished rooms were generally in fair condition (at the first and second floor), however the kitchen had damages including ceiling openings and some wall and floor damages. Cabinets were removed and the kitchen appliances were dated. A full new kitchen is required as part of any improvements to make this an occupied dwelling.

Elements of the house remain generally intact including windows, floor, mantels, stairs and walls. All rooms would require some level of re-finishing which may include some wall paper removals, new paint and upgrades to lighting.

All bathrooms require some repairs to the wall and ceiling openings as well as update of fixtures. The second floor rear bathroom (6' X 10') requires full reconstruction, which may cost approximately \$25,000.

The basement primary framing (girders, joists and columns) needs extensive repairs to stabilize the structure for long term use. The cost for the repairs to the basement framing and column is anticipated to be \$30,000 to \$40,000. No failures or collapses to the structure have occurred as of date. However, this scope of work should be the initial phase for any repairs to the structure.

Front entrance exterior area requires full replacement with some repairs to the interior area localized around the door entry.

Overall, the dwelling structure will require extensive improvements to upgrade and get the dwelling into a livable condition due to what appears to be more recent removals and disconnections. Total repair budgets may be in the \$200,000 to \$250,000 range for these

improvements to the existing structure. If more current upgrades to amenities is desirable, these costs may be increased.

If you have any questions regarding the information, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Martin K. Spence". The signature is written in a cursive, slightly slanted style.

Martin K. Spence, PE