

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, AUGUST 20, 2020 ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:04 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Janet Gigante	Member
	Samuel Diaz	Member
	Carl Wanderman	Member
	Elizabeth Dugandzig	Ad Hoc
	Jack Barbera	Member

Others Present:	Alyse Terhune	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk

Member Wanderman made a motion to approve the minutes of June 18, 2020, seconded by Member Dugandzig and upon vote all were in favor.

**Manhattan Beer Distributors, c/o Andrew Berger AIA—Public Hearing
10-20 Dunnigan Drive
55.07-1-11 and 55.07-1-12**

Application of Manhattan Beer, 10-20 Dunnigan Drive, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for area variances for front setback [required 75 feet, proposed 44 feet], side yard [required 20 feet, proposed 10 feet] and height [required 45 feet maximum, proposed 51 feet] per Sec. 195-13 bulk table, use group K of the zoning code of Village of Montebello. The applicant proposes a lot line merge, the construction of an addition to the two existing buildings, the relocation of the railroad track at the south property line, the construction of a loading deck with canopy, and a parking deck on the north side of the parcel. The properties are located on the north side of Dunnigan Drive, approximately 200 feet west of the intersection of Airmont Road in the Village of Montebello, which are known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lots 11 and 12 in the PI Zone. THE APPLICANT WAS LAST BEFORE THE BOARD ON MAY 21, 2020

Present were the Applicant Andrew Berger, Principal of di Domenico & Partners, LLP, Simon Bergson, President of Manhattan Beer, Mitchell Bergson, and SVP of Operations for Manhattan Beer Michael McCarthy.

Chairman Gittens reviewed the materials submitted and noted that the applicant is now seeking two variances instead of three. No one from the Board having any comments, Chairman Gittens opened the public hearing. No one wishing to speak, Member Dugandzig made a motion to close the public hearing, seconded by Member Wanderman and upon vote, all were in favor.

Mr. Berger shared the new renderings showing the robust landscaping to screen the site from view and from the lights from the cars. There are now two different types of evergreen trees, Japanese Cedar and Arborvitae, in response to comments from the last meeting, he said, adding that the entire perimeter of the property will be enclosed in screening vegetation. He then showed a series of existing and proposed views from various vantage points for maximum perspective. Regarding the sound/sight attenuation wall, he said that it now includes a corrugated panel on the inside that will deaden noise from the building side.

Chairman Gittens said he was pleased with the landscaping and colors, which lend an organic look to the project, and asked about the lighting. Mr. Berger said the lighting plan is included in the submission, with lumens calculations, and said that some will be horizontally mounted on surfaces, some on poles, all shielded and facing downward to prevent light spilling beyond the property.

Chairman Gittens said he felt the proposal is in line with everything this community wants and that the variances sought are not significant. The change the applicant is seeking is not a detriment to nearby properties, could not be achieved by any other methods, and is the best course of action while reducing their variance requests. The project is substantial, but it is already in an industrial zone with pre-existing non-conformances. The need for these variances was indeed self-created, but when weighed against the other criteria of the Zoning Board, it does not matter much in my opinion, he said, adding that he was personally in favor of granting the requested variances.

Ms. Terhune said that the Planning Board has closed their SEQR review and therefore this Board can act this evening as it chooses. The Rockland County Department of Planning did have comments in their GML review, particularly regarding the Rockland County Sewer District (copy of letter and GML review on file), and this Board will note that their approval will be conditioned upon the Applicant's compliance with outside agency requirements. Ms. Terhune then asked if the Board was satisfied with all that has been submitted and discussed. Chairman Gittens asked about landscaping maintenance. Mr. Berger said that the owners of Manhattan Beer Distributors are there much of the time and will maintain landscaping as needed. It is in their own best interests, he added.

No one else having any comments, Member Wanderman made a motion to approve the requested variances as conditioned, seconded by member Gigante. Upon vote the motion passed unanimously.

The Board commended the Applicant and said they were looking forward to seeing the finished project.

CALENDAR CASE NO. 1173
ZONING BOARD OF APPEALS
COUNTY OF ROCKLAND, STATE OF NEW YORK

_____X
In the Matter of the Application of
MANHATTAN BEER DISTRIBUTORS LLC

**VARIANCE DECISION FOR
PROPERTY IDENTIFIED ON THE
VILLAGE OF MONTEBELLO TAX
MAP AS
Section 55.07, Block 1, Lot 12**

for relief from Section 195-13 Bulk Table, Use Group
K of the Village of Montebello Zoning Law.

_____X

**APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO ZONING LAW FOR
THE PURPOSE OF RECONFIGURING RAILROAD TRACKS LOCATED ON PRIVATE
PROPERTY AND ADD A LOADING PLATFORM AND CANOPY TO THE EXISTING
BUILDING**

The property location and zoning district. The subject property is located at 10 Dunnigan Drive and 20 Dunnigan Drive, Village of Montebello, County of Rockland, State of New York (the “Property”). The Property is identified on the Tax Map as Section 55.07, Block 1, Lots 11 and 12, and is governed by the Zoning Law of the Village of Montebello, specifically the use regulations applicable to the Planned Industry District (“PI”), wherein the Property is located and bulk regulations set forth in Section 195-13 Bulk Table, Use Group K. On or about October 10, 2020, application was made to the Montebello Planning Board for, as relevant here, subdivision approval (to merge lots 11 and 12) and site plan approval to construct a new 113,582 square-foot building between and connecting two existing buildings in the Manhattan Beer complex located at 10 and 20 Dunnigan Drive. The connecting building will house an Automated Storage and Retrieval System (“AS/AR”). The Applicant also proposes combine the two lots and construct a new double railroad track siding and loading platform with access from the existing building at 20 Dunnigan and the new addition with a permanent canopy atop the railroad track, which track will be screened by a sound-attenuating metal fence along its length. A new above-ground parking deck will be built above new rear loading berths and other site plan modifications properly reviewed by the Planning Board.

The application for variances. By application, dated May 21, 2020, revised May 29, 2020, last revised June 30, 2020, the Applicant requested relief from § 195-13, dimensional requirements in the form of two variances: (1) front yard area variance of 31 feet from the required 75 feet to 44 feet for the purpose of constructing a 16-foot wide concrete platform and canopy addition along the south façade of the building to facilitate the unloading of freight trains, and (2) a height variance of six (6) feet from the required maximum height of 45 feet to 51 feet for constructing the new building.

The prior grant of variances. By Decision dated January 17, 2019, this Board granted area variances to the Applicant to permit construction of a new double railroad track siding and loading platform with a permanent canopy along the south side of existing building at 20 Dunnigan Drive. Although the Planning Board issued final site plan approval, the Applicant did not move forward with the proposed construction, instead revising its application to its present form. However, many of the conditions imposed on the Applicant by this Board in January 2019 are relevant here. The Applicant will be constructing the double railroad track siding and while the attenuating wall will likely address some of the

noise concerns, lighting and other issues may still persist. Therefore, to the extent relevant, the Board shall incorporate the conditions imposed in the prior Decision herein.

Submissions. The following material was submitted to the Board, which materials are incorporated into and made a part of this Decision and upon which this Board relied during its deliberations:

1. Letters of Transmittal and Narrative to the Zoning Board of Appeals prepared by di Domenico + Partners LLP, dated February 27, 2020, March 16, 2020 and May 29, 2020, and;
2. Application, last revised July 30, 2020; and
3. Survey of 10 and 20 Dunnigan Drive, prepared by Jay A. Greenwell, PLS, LLC, dated March 7, 2019; and
4. Plan Drawings, consisting of 12 sheets: T-001, S-004, A-100, A-101, A-010, A-110, A-111, A-011, A-012, A-013, A-014, A-200; and
5. Plan Drawings consisting of 7 sheets prepared by di Domenico + Partners LLP., dated February 27, 2020, revised May 29, 2020.

General Municipal Law § 239-m. The application was duly referred to the Rockland County Planning Department (“RCPD”) pursuant to GML § 239-m, which Department responded on March 4, 2020 and April 16, 2020. Rockland County issued a recommendation with nine (9) mandatory recommendations. The Applicant complied with each recommendation.

Agency referrals. The application was duly referred to all agencies with jurisdiction. In addition to hearing from RCPD, Rockland County Sewer District No. 1 commented by letter dated March 16, 2020. All comments were noted by the Zoning Board, which instructed the Applicant to address each comment as a condition of this Decision.

Public Hearing. A duly noticed public hearing was scheduled for March 19, 2020, which was cancelled due to the COVID-19 pandemic pursuant to Governor Cuomo’s Executive Order 202.1, issued March 12, 2020, suspending in-person meetings of public bodies. The public hearing was re-noticed and held via remote video-conference on May 21, 2020, in full compliance with the EO 202.1, as extended by the Governor, and adjourned to all subsequent Zoning Board meetings whereat the Applicant appeared. During the public hearings, the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. Written comment was received from the Sister of Life, whose property is located across the NYS Thruway from the Applicant’s property, raising concern about the landscape screening and lighting. In addition, members of the public appeared (remotely via

technical access) at the public hearing and voiced concern about potential light spillage into residential neighborhoods, noise, frequency and timing of train deliveries, as well as the noise of unloading the trains and trucks. Members of the public also responded favorably to the proposed sound-attenuating wall. After hearing all comments from the public, the hearing was closed on August 20, 2020.

State Environmental Quality Review Act (SEQRA). The Planning Board determined that the amended application was a Type I Action and circulated a Notice of Intent to act as Lead Agency to which the Zoning Board made no objection. The Zoning Board transmitted comments to the Planning Board on the issue of noise and light, and recommended the addition of a wall to screen rail noise. The Zoning Board of Appeals, an involved agency under SEQRA, adopted the Negative Declaration issued by the Planning Board on August 11, 2020 as its own, thus closing SEQRA for the purpose of rendering a decision on this application.

FINDINGS

The zoning law. Warehousing is a use permitted “as-of-right” in the Planned Industry zoning district. Therefore, the use complies with the Montebello Zoning Law.

The zoning law applied to the application. The Applicant requested relief from Section 195-13 Bulk Table, Use Group K in the form of two variances: (1) front yard area variance of 31 feet from the required 75 feet to 44 feet for the purpose of constructing a 16-foot wide concrete platform and canopy addition along the south façade of the building to facilitate the unloading of freight trains, and (2) a height variance of six (6) feet from the required maximum height of 45 feet to 51 feet to construct the new building.

The Board’s additional Findings. When considering whether to grant an area variance, the Board must consider, and did consider, (1) whether the requested variance is the minimum necessary to relieve the practical difficulty or economic injury; (2) whether the variance is substantial in relation to the zoning code; (3) whether the variance will produce a change in the character of the neighborhood or a substantial detriment to adjoining property owners; (4) whether the alleged practical difficulty or economic injury be overcome by some other method; (5) whether granting the said will affect the health, safety or welfare of the neighborhood or community; (6) whether granting the variance will

have any effect on government facilities or services. Any area variance so granted by the Board must be the minimum variance that it deems necessary and adequate.

The Board made the following findings:

1. The Board considered whether the requested variance is the minimum necessary to relieve the practical difficulty or economic injury the Applicant would sustain if denied and determined that it is. In order for the Applicant to increase the number of train cars delivering goods additional tracks would be required to be placed along the building facing Dunnigan Drive, since the train would not be able to make a sharp turn to allow delivery at the sides or back of the building. The addition of the tracks will reduce the number of truck deliveries by approximately 3000 per year.
2. The Board considered whether the variance was substantial in relation to the zoning code. Although a variance of 31 feet from the required 75 feet to 44 feet could be considered substantial, the Board noted that the front yard 60-foot setback was already nonconforming. The Board also noted that several other buildings along Dunnigan Drive were also nonconforming, and to a greater degree than Manhattan Beer. The Board determined that a six-foot height variance is not substantial, given the limited view of the taller portion of the complex. In addition, the height variance is required to accommodate the new Automated Storage and Retrieval System system.
3. The Board finds that while there will not be a substantial change in the neighborhood if the variance is granted, the Board acknowledged that homeowners in the neighboring Village of Airmont, directly across Dunnigan Drive were concerned that they may experience a greater level of noise if the variance is granted. However, the Board concluded that the addition of the noise attenuating wall proposed by the Applicant will significantly reduce any noise from the increased rail traffic. In granting these variances, the Board also relies on the Applicant's statement that a significant number of truck trips will be reduced, thus reducing noise from truck traffic.

The Board also considered the comments from the public and concluded that certain conditions would be imposed upon the Applicant to the extent that the Applicant had authority to address the public's concern. However, the Applicant stated, and the Board accepted, that it could not control the timing of train deliveries. However, the Applicant could control the time when trains would be unloaded by its employees and had previously agreed to limit such unloading to between 7:00 AM and 6:00 PM. The Board, in considering the new application, again finds, and makes a condition of this approval, that the Applicant honor its earlier promise to limit the times trains could be unloaded.

4. The Board finds that the practical difficulty or economic injury cannot be overcome by some other method. As noted earlier, the only location where trains cars can be physically delivered and unloaded is the front of the building along Dunnigan Drive. Furthermore, in order to efficiently use the Automated Storage and Retrieval System, the Applicant has stated, and the Board believes, that the connecting building will require a height of 51 feet.

5. The Board finds and determines that granting this variance will not affect the health, safety or welfare of the neighborhood because of the existing industrial warehousing use along Dunnigan Drive. The Applicant has represented that no hazardous materials will be delivered to its warehouse.
6. The Board finds that the variance will not affect any government facility or service. The Board analyzed and the Applicant identified specifically on the site plan the location of the sewer line and utility easement along Dunnigan Drive and affirmatively represented and that the repositioning of the rail tracks will not interfere with either the sewer lines or the utility easement. The new tracks will be laid on property wholly owned by Manhattan Beer and the location of the existing rail spur will remain the same.

Applicant's burden. The Zoning Board of Appeals hereby finds and determines that the Applicant has sustained its burden of proof as required by New York State Village Law and Village of Montebello Zoning Law as to the need for the requested variance.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Village of Montebello Zoning Board of Appeals hereby renders the following decision:

On a Motion by Member Wanderman, Seconded by Member Gigante, on a roll-call vote as set forth below, the Board grants the requested relief from § 195-13, dimensional requirements, to Manhattan Beer Distributors, Inc., for the property located at 10 Dunnigan Drive and 20 Dunnigan Drive, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 55.07, Block 1, Lot 12 in the form of two variances: (1) front yard set-back area variance of 31 feet from the required 75 feet to 44 feet for the purpose of constructing a 16-foot wide concrete platform and canopy addition along the south façade of the building to facilitate the unloading of freight trains, and (2) a height variance of six (6) feet from the required maximum height of 45 feet to 51 feet for constructing the new building which will house the AS/AR system.

In granting these variances, the Board relied on the testimony and representations of the Applicant and the plan drawings identified herein and made a part of this Decision as if attached hereto. These variances are granted in reliance on their individual purposes as shown on the referenced Sheets and for no other purpose. Deviation from the variances granted by this Board shall invalidate this Decision and the variances granted thereby by operation of law.

BE IT FURTHER RESOLVED, that these variances are granted pursuant to the following conditions:

1. All lights on the building or anywhere else on the property that face Dunnigan Drive shall be shielded to prevent light from shining toward residential neighborhoods.
2. Manhattan Beer shall only unload trains between the hours of 7:00 AM and 6:00 PM.
3. Unless required by law, Manhattan Beer shall not use back-up beepers on its unloading trucks or skid-loaders or any other mechanized unloading vehicles. Lights or any other non-obtrusive safety devices may be used to protect employees.
4. The Planning Board shall require living screening of the sound attenuating wall. The property shall be landscaped as approved by the Planning Board.
5. Compliance with Rockland County Sewer No. 1 letter dated March 16, 2020.
6. Manhattan Beer executives shall use their best efforts to negotiate with Norfolk-Southern Rail Road, or any other rail delivery company, to buffer or otherwise silence or reduce the blast of horns on the trains and request that trains be delivered during the day and not at all hours of the night and early morning.
7. A copy of this Decision shall be placed on a separate sheet of the Site Plan.
8. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[X]	[]	[]	[]
Carl Wanderman, Member	[X]	[]	[]	[]
Janet Gigante, Member	[X]	[]	[]	[]
Samuel Diaz, Member	[X]	[]	[]	[]
Jack Barbera, Member	[X]	[]	[]	[]
Elizabeth Dugandzig	[X]	[]	[]	[]

Marsel Amona - Public Hearing
253 Spook Rock Road
49.17-1-2.18

Application of Mr. Marsel Amona, owner of 253 Spook Rock Road, Montebello New York 10901 which is submitted to the Village of Montebello Zoning Board of Appeals for a use variance for the historic barn on the property, which is part of the Fant Farm Subdivision. The Applicant seeks a reclassification of the historic barn as a caretaker's house. The property is located on the west side of Spook Rock Road, approximately 50 feet north of the intersection of Fant Farm lane in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.17, Block 1, Lots 2.18 in the RR-50 Zone.

Present were the Applicant, Marsel Amona and his attorney Deborah Loewenberg of Loewenberg & Yanowitz, LLP. Chairman Gittens established the posting and the mailing for the public hearing and reviewed the application. Ms. Terhune advised the Board to read all resolutions having to do with this property that were distributed earlier in the day before making any decisions.

Ms. Loewenberg stated that this application was made due to financial hardship for her client Mr. Amona. The historic barn was placed in violation earlier this year for failure to maintain a historic landmark, she said. The barn is vacant and deteriorating and Mr. Amona would like to cure the violations and maintain the barn's historic standing. The only way this can be done is to change the use to a single-family dwelling so that a caretaker may reside there while restoring and maintaining the property while shouldering a part of the economic burden, she said. This is a unique property that brings with it a unique hardship and granting a variance to change the use will have no effect on the character on the neighborhood and would benefit the Village. She then stressed that the hardship on Mr. Amona is not self-created, but rather was borne from the current economic climate.

Mr. Amona said he has owned the property for twelve years, during which time the barn has been empty. He said he replaced the badly leaking roof two years ago to protect the interior space, but the structure continues to deteriorate. Financially, Mr. Amona said he was in a bind and unable to renovate it and bring it back to code, and said that if it can be converted to living space, it can be sold or rented to generate some income. He said he offered to donate the property to the Village for no fee several years back, and the Village refused because they did not want the responsibility and expense of maintaining the barn.

Chairman Gittens asked Mr. Amona how he proposes to pay for the repairs and to make the space habitable. Mr. Amona said he could finance the repairs provided there is someone in the barn to help with those payments. Chairman Gittens reminded him that he was asking for a non-conforming use due to financial hardship, and that the onus is on him to present the hardship in dollars and cents. It must be credibly and precisely presented to this Board, he added. Mr. Amona said he included those figures in the application.

Member Gigante asked if Mr. Amona would still own the barn after it is repaired and a caretaker is found. Mr. Amona said he would keep it. Ms. Loewenberg said it cannot be independently sold because there is another single-family home already on the lot.

Ms. Terhune provided some background, explaining that the lot was part of the Fant Farm subdivision, that the total number of lots could only be 18, and that this lot used to be two lots. Mr. Amona combined the two lots, putting the house and barn on the same property, so an additional lot could be placed at the

cul-de-sac in the subdivision. This lot cannot be subdivided because the number of lots in this subdivision cannot exceed 18.

Chairman Gittens requested a professional financial analysis, with all expenses, taxes, and return on investment. Ms. Terhune agreed, adding that use variances have very high standards and that this Board must feel comfortable that the numbers back up the hardship. Mr. Amona said he would provide all the requested information.

Member Wanderman asked if the caretaker would merely be a tenant or if they would contribute money to the property, and if the latter, will that money be used to repair the barn. Mr. Amona said the tenant will contribute to the payments of the loan he will take out to cover the cost of the repairs. Member Diaz asked the difference between a caretaker and a tenant. Mr. Amona said a caretaker is someone who can live in and provide income to the property to justify the money borrowed to convert the barn into a livable space. Ms. Loewenberg clarified a caretaker is one who is obliged to take care of the property, including the landscaping and everything in the main building, to ensure that the historic nature of the property and its structures will be maintained. There will be someone there on a day-to-day basis to take care of everything, she added. Member Diaz offered that that person would still be a renter. Ms. Loewenberg said that the caretaker can be more than one thing at a time.

Member Gigante asked if the barn will still look like a barn after the conversion and whether there will be separate utilities. Mr. Amona said it will always look like a barn, that there is a well on the property and the electric will be extended from the main house. Member Diaz said no one is permitted to connect power and sewer from one house to a second dwelling, and that the second dwelling needs to have its own meter. Mr. Amona said that there is a sewer spur already on the property. Member Diaz said he would like to see a site plan.

Member Dugandzig noted that in 2013 Mr. Amona requested the merge of the two lots on which both structures stand so that an extra lot could be added to the Fant Farm Subdivision, and asked Mr. Amona if he thought the hardship was self-created. Mr. Amona said he did not, adding that the main problem is that he is trying to sell the property with not much luck. Member Diaz said that the property can always be sold and suggested the selling price may be too high. You benefited from subdividing the property because you built an extra home in Fant Farm but now you want to reverse that action, he added. Mr. Amona said he just wants to maintain the property but cannot do so properly because of the expense. He reiterated that he offered to donate the property to the Village but was refused.

Member Diaz said that nonetheless neither the property nor the barn have been properly maintained since 2013 when he merged the properties. Mr. Amona refuted this last point explaining that he spent over \$40,000 to replace the roof of the barn to protect the interior and foundation, which is sinking, but that now he is not in any financial condition to continue to maintain the structure.

Member Diaz offered that he should put the property up for sale. Mr. Amona said he did put it on the market seven years ago, but the asking prices kept dropping. Member Diaz asked if he has tried to sell it within the last six months and Mr. Amona said he had not but that there is a Rabbi who is interested in buying the property to convert it to a synagogue. Member Gigante questioned whether the use of a historic landmark can be changed. Chairman Gittens said that anything proposed for the property would have to meet Village zoning requirements, but at this juncture, the Applicant needs to give a detailed economic analysis.

Mr. Amona said he took no issue with providing such, but that he was gathering from the comments tonight this application may be futile. He said he loves the Village and always tries to do what is best but said that he does not feel this Board will grant the variance given the feedback and wondered if he should withdraw his application. Chairman Gittens acknowledged the risk of the application but said this Board could not make any decisions without seeing the financials from a credible source.

Member Diaz made a motion to open the public hearing, seconded by Member Gigante and upon vote all were in favor.

Lisa Levin, 19 Par Road, Montebello, NY said she was the Chairperson for the Montebello Historic Preservation and Parks Commission (HPPC) and said that, current violations aside, there have been many issues with the property and its structures over the years. This commission, along with [Building Inspector] Larry Picarello, has been monitoring the deteriorating conditions of the structures since Hurricane Sandy in 2012 and feels that they are, in effect, being demolished by neglect. The barns are not what they should be, she said, adding that while she could appreciate the financial hardship, these issues span a decade. Mr. Amona disagreed and said he addressed each issue as it arose. The violations were placed on the property last year, and [Village Engineer] Martin Spence and Mr. Picarello had no issues before then, he said. As an example, he referred to a large tree that fell on the property two years prior which damaged the barn roof and siding, which he repaired, noting that insurance did not cover the work.

Matthew Moetzinger, 2 Fant Farm Lane, Montebello, NY said he was also a member of the HPPC and that his house is adjacent to the barns. He said that since they moved there in 2011, they have been familiar with the issues plaguing Mr. Amona's property and can certainly appreciate his financial hardship. However, he continued, when Mr. Amona bought the property in 2006 to develop the Fant Farm Subdivision, he understood the covenants of the historic property, notably the maintenance of historic structures. There are empty lots within the subdivision at the end of the cul-de-sac and no one is certain if he intends to build houses there. Mr. Moetzinger said the grass on the side of the property is never cut and shrubs are overgrown, and that the property looks worse than it did ten years ago and resembles a junk yard. At one point, he added, the main house was used ostensibly as a frat house, adding to the challenge living beside this mess. If a caretaker is hired, he or she should maintain the entire property and not just the barn, he said. In his defense, Mr. Amona explained that he gave up the two lots at the end of the cul-de-sac because he owed money and was unable to sell them when the housing market fell.

Ms. Terhune told the Board that there is no classification of residence that allows a caretaker on the property and that they are really being asked to allow two single-family homes on one lot. She said she was unsure how this could be done given the designation as a historic property and that she would like to research the matter further, especially if there is a covenant on the property, as Mr. Moetzinger stated.

Chairman Gittens said that with the taxes of \$30,000 per year, construction costs and a mortgage, he could not understand how Mr. Amona can cure his violations without going bankrupt. Mr. Amona said that he is in a deficit each month and that if the use variance is granted, he would be able to find someone to help shoulder the financial burden and maintain the property. But, he said, if this Board is unwilling to grant the variance, he will put the property on the market.

Member Diaz noted that the property taxes will increase if converted to living space. Mr. Amona said he spoke with the Town of Ramapo Tax Assessor who told him that the increase will be nominal because the footprint of the structure will not change.

Ms. Terhune reiterated her concerns and asked for more time to research the matter and advised the Board to adjourn the application to the following meeting. Mr. Amona said he will submit the requested financial information. Member Diaz asked if it was appropriate for the Board to even hear this request while the property is in violation. Ms. Terhune explained that no land use Board can refuse to review an application based on violations on the property. Further, she said, the purpose of this request is to remedy the violation.

Member Wanderman made a motion to adjourn the public hearing to the next meeting, seconded by Member Dugandzig and upon vote, all were in favor.

Member Diaz made a motion to adjourn the meeting at 8:43 p.m. seconded by Member Wanderman. Upon vote, the motion passed unanimously.