

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, OCTOBER 21, 2010 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:49 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	John Urcioli	Chairman
	Rodney Gittens	Member
	Alice DiSanto	Member
	Janet Gigante	Member
	James Tanner	Member
	Stan Shipley	Member
	Jack Barbera	Member
Others Present:	Ira Emanuel	Asst. Village Attorney
	Gloria Scalisi	Planning & Zoning Clerk

Member DiSanto made a motion to approve the minutes of September 14, 2010, seconded by Member Gittens. Upon vote, the motion carried unanimously.

**Robert Rino**  
**Public Hearing**

Application of Robert Rino, 20 Viola Road, Montebello, New York, 10901 for variance from the requirement of Article IV, Section 195-19C, Side and Rear Yard Exceptions, [Required: 4feet; Proposed: 6feet] of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of a stone wall with two 6-foot high stone pillars, each topped with a 24-inch high lantern; six 6-foot high stone pillars within the stone wall; and a 6-foot high aluminum entry gate; all in a required front yard. The property consists of 2.51 acres located on the north side of Viola Road approximately 600 feet south of Mile Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.07, Block 1, Lot 17.1 in a RR-50 Zone.

Chairman Urcioli established the posting, publication and mailing legal requirements were met. Chairman Urcioli read a letter from the County of

Rockland Department of Highways dated October 4, 2010; a letter from the Village Engineer, Martin Spence, dated October 13, 2010; a letter from the Village Building Inspector, Lawrence Picarello, dated October 14, 2010; and a letter from the County of Rockland Department of Planning, dated October 18, 2010. (Copies attached)

Mr. Robert Rino stated that he would like to build two (2) rock entry piers set back about 25 feet off Viola Road and a natural stone rock wall. Mr. Rino stated that the six foot height of the entry piers is preferred due to the size and scale of the house. Mr. Rino stated that it is typical to build piers to match the size of the house. Mr. Rino stated that this is his business and he owns a construction paving company.

Chairman Urcioli questioned the applicant on the dimension at the base of the piers. Mr. Rino replied that the dimension of the pier is three feet by three feet and he would like the piers to be six feet high with a granite cap. Mr. Rino observed that his neighbors, the Goldbergs, have nine foot entry pillars. Chairman Urcioli stated that the Goldbergs did not go before this board; the pillars were in existence prior to the formation of the Village.

Ira Emanuel, Assistant Village Attorney, questioned the applicant on the width of the driveway. Mr. Rino replied that at the entrance it is about eighteen feet.

Mrs. Melissa Rino questioned the Board on the time the Village enacted the pillar laws. Chairman Urcioli replied that the pillar/mailbox law is in existence since 1987.

Mr. Rino stated that the piers were approved in the site plan. Chairman Urcioli replied that they were not approved at the six foot height and the approved piers were a different configuration that what the applicant is asking for.

Chairman Urcioli stated that this Village and the Zoning Board of Appeals has never granted a variance for piers/pillars over four feet tall.

Mr. Emanuel advised the board on the mailbox and zoning laws. The Zoning Board does not have jurisdiction over the mailbox law, can only grant variances for Zoning issues such as walls, gates and piers.

Mr. Rino stated the size is appropriate to his home and if he can not receive the variance then he won't put any piers up because a smaller pier would not look as good.

Mr. Emanuel clarified the application by stating that the applicant is looking for a variance for two six foot driveway piers with twenty-four inch lanterns on top, a small section of the wall and a gate.

Member DiSanto asked the applicant if there will be a fence along with the wall. Mr. Rino replied that there will not be a fence over the wall.

Member Gigante questioned the applicant on the reason for the gap in the wall. Mr. Rino stated that it looks very nice with the gap.

Chairman Urcioli questioned the applicant on the length of the wall. Mr. Rino replied that the wall will be approximately sixty feet long.

Member Gittens made a motion to open the Public Hearing, seconded by Member Gigante. Upon vote, the motion carried unanimously.

No one wishing to comment, Member Tanner made a motion to close the Public Hearing, seconded by Member Gittens. Upon vote, the motion carried unanimously.

Chairman Urcioli stated his concern over this application because if granted it would set a precedent and it is not a minor variance it is a 50% variance.

Member Gittens expressed his concern in granting the variance and turning Montebello into a gated community.

Member DiSanto stated that the applicant's home is beautiful and would like the Applicant to go back to the drawing board and re-design the pillars and the wall to fit within the Zoning Code. Member DiSanto believes that if anyone can make it beautiful and stay within the Zoning Code it will be Mr. Rino.

Mrs. Rino stated that four foot piers would look lost in front of their home. Mr. Rino stated that he only knows one way of doing things, and if the variance is not granted he will not build smaller piers.

Member Gittens asked the Applicant if he has seen the new synagogue on Montebello Road. Member Gittens stated that the wall is four feet high and it is still impressive compared to the scale of the building.

Mr. Rino expressed his distaste with the synagogue wall and stated that he is extremely “fussy”. Mr. Rino stated that what he proposed is what he wants to build at his home.

Chairman Urcioli suggested building the two driveway pillars to sixty-six inches and hang the lanterns on the side of the pillars so that the overall height would be sixty-six inches.

Chairman Urcioli stated that the Board will reserve decision to the next Zoning Board of Appeals meeting scheduled for November 18, 2010.

The Applicant voiced his disappointment with the Zoning Board and left.

Member Gittens made a motion to adjourn the meeting, seconded by Member Gigante. Upon vote, the motion carried unanimously. The meeting adjourned at 8:50 p.m.

**Appendix:**







