

May 27, 2026

Hon. Chairperson Gary Bell and
Members of the Zoning Board of Appeals
Village Hall
236 Tate Avenue
Buchanan, NY 10511

**Re: 3222 Albany Post Rd.
Application for Two Front Yard Setback Variances**

Dear Chairperson Bell and Members of the Zoning Board of Appeals,

This Firm represents Steve Giordano Builders, Inc. (“Applicant”) in connection with the proposed development of the property located at 3222 Albany Post Road, further identified on the Village of Buchanan Tax Map as Section/Block/Lot 43.11-1-6 (“Property”), for the creation of 11 townhouses. The Property is located within the Village’s C-1/C-2 Overlay Zoning District. We ask to be placed on your Board’s agenda for June 10 for consideration of two front yard setback variances for the creation of a small townhouse development on vacant Village property.

Enclosed herewith, and in support of this application, please find the following:

1. Zoning Board of Appeals Application Form;
2. Conceptual Site Plan, prepared by Cronin Engineering;
3. Conceptual Site Development Renderings, prepared by Joseph G. Thomas Architect, PLLC; and
4. Short Environmental Assessment Form.

This application seeks a total of two front yard setback variances for the buildings that contain 2 of the 11 proposed townhouses, one for the building that contains proposed unit #1, and another for the building that contains proposed unit #11. Where the underlying C-2 Zoning District requires 30-foot minimum front yard setback, the Applicant is proposing a 15-foot front yard setback for the building that contains proposed unit #1, and a 10-foot front yard setback for the building that contains proposed unit #11.

As described below and shown in the enclosed materials, the proposed townhouse development would create an attractive gateway into the Village in an underutilized area that is suitable for townhouse development. As will also be explained in more detail below, we respectfully submit that the two front yard setback variances should readily be granted.

Existing Property

For some brief background, the Property is 0.88 acres and is currently undeveloped and thus, underutilized, despite it being on the corner of Albany Post Road and Bleakly Avenue, a main entrance into the Village from the City of Peekskill. The Property location is suitable for multifamily/townhouse development as the C-1/C-2 Overlay Zoning District, where the Property is located, permits up to 12 one- and two-bedroom multifamily apartment dwellings or townhouses by Special Permit from the Planning Board. Here, the Applicant proposes to develop 11 townhouses by Special Permit from the Planning Board.

As you may know, the Property is currently owned by the Village, however, and at the Village Board of Trustees workshop held on May 26, 2026, the Applicant was granted express permission by the Board of Trustees to pursue these variances, while the resolutions authorizing the Applicant to do so would be finalized at the Board of Trustees regular meeting on June 2, in advance of your Board's meeting on June 10. The Applicant will submit to your Board these resolutions in advance of the June 10 meeting.

As part of the proposal the Applicant would purchase the Property from the Village to develop the 11 townhouse units. The Applicant is currently working with the Village to develop and execute a Commitment of Sale agreement where the Village's obligation to sell the Property to the Applicant would be contingent upon the Applicant receiving Zoning Board and Planning Board approvals. As such, while the Applicant is not the current owner of the parcel, we have obtained the initial authority to pursue these variances with your Board. Therefore, we have not executed the Affidavit of Ownership for the Property in the ZBA Application Form.

Proposed Development

The Property is located within the C-1/C-2 Overlay Zoning District with the underlying Zoning District being C-2. Consistent with the parking requirements for the C-1/C-2 Overlay District, for multifamily apartment dwellings on parcels of land less than four acres, 1.5 parking spaces per dwelling unit are required. This means that for this 0.88-acre Property, 11 multifamily townhouse units would require 16.5 parking spaces. Here, the Applicant proposes 22 parking spaces. Thus, the proposed townhouse development would be more than adequately parked, and any perceived increase in traffic would be *de minimis*.

As proposed, the project would require a total of two front yard setback variances, one for proposed unit #1, and another for proposed unit #11. Where the underlying C-2 Zoning District requires 30-foot minimums for front yard setbacks, the Applicant is proposing a 15-foot front yard setback for proposed unit #1, and a 10-foot front yard setback for proposed unit #11. As such, the proposed development requires relief from your Board in the form of these two area variances.

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ZBA Should Grant the Requested Variances

The ZBA should grant the requested variances based on the 5-factor balancing test under N.Y. Village Law Section 7-712-b because the benefit to the Applicant outweighs the absence of any detriment to the community.

First, granting the requested variances would not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties. The character of the neighborhood and nearby properties primarily consist of residential uses with some commercial and retail uses. The proposed 11-unit townhouse development is a small residential townhouse complex that is consistent with the residential use and would enhance the residential character of the neighborhood. Locating unit #1 and unit #11 within the front yard setbacks would not adversely impact community character because these units would be approximately 30-35 feet from Bleakely Avenue and Albany Post Road (NYS Route 9A). In addition, there would be no detriment to nearby properties due because the building materials as shown in the renderings and landscaping will be made to compliment the surrounding residential community character.

Second, there is no feasible alternative to achieve the benefit sought by the Applicant. There are no other feasible locations on the property for unit #1 and unit #11, including because of the paved area between units 1-8 and 9-11, which is needed for garbage disposal bins and would serve as a location for vehicles to turnaround and improves onsite vehicle circulation.

Third, the requested variances are not substantial. While the Applicant seeks a 50% front yard setback variance from the property line for unit #1 and a 66.66% front yard setback variance from the property line for unit #11, New York courts have held that simply relying upon the percentage deviation alone does not suffice in evaluating a variance application. The actual impact requested variances would have on the surrounding community is critical to the overall analysis.¹ For the reasons in this letter and as shown on the development plans and renderings, the requested variances would not have significant adverse impacts on the surrounding community or the environment, particularly because these units would be setback approximately 30-35 feet from their respective roads. Therefore, even if the variances are deemed substantial by percentage, the variances should, respectfully, still be granted because there would be no actual impact from the variances on the surrounding community, including because the project is designed to be consistent with and enhance the residential community character of surrounding properties and the neighborhood.

Fourth, there would not be adverse impacts on the physical or environmental conditions in the neighborhood. The front yard setbacks are not located near any environmentally sensitive areas and the Applicant intends to fully address any issues regarding steep slopes with the Planning

¹ See, e.g., *Wambold v. Southampton Zoning Bd. of Appeals*, 140 A.D.3d 891, 893 (2d Dep't 2016) ("While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.").

Board. Furthermore, during construction and after the project is constructed the Applicant will take all reasonable steps to provide sufficient stormwater management measures to ensure that the Dickey Brook, which is located outside of the Property, is protected.

Fifth, to the extent that the alleged hardship is deemed self-created, such a determination does not preclude the granting of the requested variances under N.Y. State Village Law.

CONCLUSION

We are looking forward to discussing the proposed development and the requested variances with your Board. Please let us know if you have any questions or whether any further information or documentation is required for evaluation of this application.

ZARIN & STEINMETZ LLP



By: _____

David S. Steinmetz, Esq.
Aaron N. Warner, Esq.

Encls.

cc: Stephanie Porteus, Esq.
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