

VILLAGE OF BUCHANAN
PLANNING BOARD
DECEMBER 17, 2020

PRESENT: Sean Murray, Chairman
Tracey Armisto
Eileen Absenger
Jeffrey Faiella
Jennifer Bakker
Stephanie Porteus, Village Attorney
Marcus Serrano, Village Administrator
David Stolman, Planning Consultant
George Pommer, Village Engineer
Peter Cook, Building Inspector
Brian Cook, Building Inspector

OTHERS: Village Trustee Nicolas Zachary
Brian Calabro
David Garcia
Dan Ciarcia
Tim Cronin
Ted Gado
Rich Burroni
Joe Casio
Robert Thompson

CALL TO ORDER:

Chairman Sean Murray led the Board members in the Pledge of Allegiance. Chairman Murray called the meeting of the Planning Board to order at 7:30 PM on December 17, 2020. He welcomed new Planning Board member, Jennifer Bakker and thanked her for her willingness to join the Board.

This meeting was done via Zoom and Zoom audio and it is being conducted in accordance with executive Order 202.1.

Please note that you may hear the meeting live by going to the Village Facebook page at the time of the meeting.

APPROVAL OF MINUTES:

Page 3, 5th paragraph, third line sentence should read: "The fuel tank will be a tank within a tank". Page 4, 9th paragraph, it should say "There will be no monitoring wells." Page 5, last paragraph should read: "Mr. Thompson spoke with John Pizzella about wall construction."

Page 6 .8th paragraph, after Westchester County add "for insurance coverage in the event of failure." Last sentence, same paragraph, same page, replace remediation with inspections. Page 7, "Some components of the transformers may contain PCB's "

Chairman Murray called for a motion to accept the minutes as amended. A motion was made by Tracy Armisto, seconded by Jeff Faiella, with all in favor. Motion carried.

CALENDAR NO. 2-20-PB: PUBLIC HEARING FOR SITE PLAN AMENDMENT AND BUILDING PERMIT APPLICATION FOR INITIAL SITE WORK FOR CONSTRUCTION OF INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI) (ENTERGY)

Chairman Murray called for a motion to open the public hearing. On a motion by Jeff Faiella, seconded by Eileen Absenger, with all in favor, the public hearing was opened.

It was noted for the record that 8 notices of public hearing were sent, 6 were returned and 2 were not returned. Ted Gado explained the project.

Chairman Murray asked if there were any members of the public who had comments. There were no comments or questions from the public.

Village Engineer Pommer had several technical comments; nothing major that would cause a change to the plan. He submitted a review memorandum dated December 11, 2020. A draft resolution was prepared by Planning consultant Stolman and included technical comments discussed.

After speaking with Village Engineer Pommer, Tim Cronin advised there was nothing to give him cause for concern. A Storm water pollution prevention plan (SWPPP) and full Environmental assessment form (EAF) were prepared,

Chairman Murray forwarded the plan to the Verplanck fire district and has not received a comment or reply. Submittal of the plan is not a requirement but has been a planning board practice in the past.

Since there were no further questions, on a motion by Tracey Armisto, seconded by Jeff Faiella, with all in favor, the public hearing was closed.

The draft resolution prepared by David Stolman was presented, read into the record, comments were made, and the board acted on the resolution. A motion was made by Eileen Absenger, seconded by Jeff Faiella, with all in favor to adopt the resolution. Motion carried. The documents will be signed after all information is received.

CALENDAR NO. 1-20-PB: CONTINUATION OF PUBLIC HEARING FOR STEEP SLOPES PERMIT TO CONSTRUCT A MODULAR CONCRETE RETAINING WALL FOR PROPERTY AT 226 TRAVIS AVENUE (CALABRO)

Brian Calabro summarized his application and explained he invited the building inspector and Village Engineer to see the wall. Once they okayed it he continued building the wall until he got a stop work order.

Chairman Murray asked if anyone had comments or questions. Robert Thompson of 221 Tate Avenue thought the proposed wall was to be a 7 foot wall. Eileen Absenger asked if Mr. Thompson contacted anyone and what he wanted. When Mr. Thompson reached out to the Village with his concerns, a stop work order was issued. Robert Thompson, Jr. was on the call.

They expressed their concerns on the aesthetics of the wall and if the wall is structurally sound and safe.

Dan Ciarcia was willing to put his engineers stamp on the plan to certify that the wall is structurally sound. The plans were followed and if something happened the only person responsible would be Mr. Calabro.

David Garcia was not in favor of attaching any limitations on the deed. That would open legal issues and there is no precedent for that. Further discussion of the wall ensued. David Garcia agreed to pursue this further; he just wanted to raise the issue.

After looking at the property in question, Chairman Murray stated the wall was not built to code and the former building inspector interpreted the law incorrectly. The issue considers that Mr. Calabro was acting on that information.

It is impossible to inspect the wall with the lattice as installed. Dan Ciarcia commented if the wall is going to move it would be the top of the wall and if there is movement, it will be observed.

The boulders were put in place to hold back the dirt. Mr. Calabro stated the wall is on his property on both sides. It was noted that the fence is 2 feet in front of the wall, so he does not have to drill into the wall. That was further discussion about the safety of the wall.

Chairman Murray looked at the wall after a rainstorm. He noted the runoff is going into the neighboring yard and the drainage pipe was covered. David Garcia and Dan Ciarcia will find a way to remediate this.

Village Engineer Pommer asked how high the proposed fence where the retaining wall is would be. It is not shown on the drawing. Dan Ciarcia advised they used the existing survey, and they do not have a lot of data.

Chairman Murray noted we can approve it, deny it, or we can accept it with changes. We can also ask that the property be returned to the original state. The wall was constructed as per the drawing. Chairman Murray asked for comments and solutions from the other board members.

The steep slopes law was enacted because there were no restrictions on modifying steep slopes. When we deliberate, we must keep these things in mind. The planning board has a timeframe to decide once the public hearing is closed. Many alternatives were discussed by the board members including a temporary fence. A suggestion was to request a complete property survey.

Chairman Murray noted that trees and rocks were removed. We need a plan that ensures the wall will be stable. No decision will be made tonight. Chairman Murray thought it would be helpful to get the opinion of the new building inspectors. This will be held over until the next meeting.

Chairman Murray would like to know the origin of the fill. Brian Calabro advised the fill material came from his property. There was no outside material used other than the stone he purchased. Chairman Murray advised that he must keep the receipts for the stone that he purchased to prove where it came from.

Village Attorney Porteus will check the time frame. Within 62 days after the close of the public hearing the planning board must decide to approve, approve with modifications or deny the application.

Chairman Murray called for a motion to close the public hearing. On a motion by Tracey Armisto, seconded by Eileen Absenger with all in favor the public hearing was closed.

FOR DISCUSSION ONLY: CON EDISON BUCHANAN SUBSTATION: BRIEF PRESENTATION REGARDING SCOPE OF THE PROJECT

Con Edison wants to make modifications in their front yard Steve DaSilva and Diana Molina were on the zoom call to discuss modifications to the Con Edison site. They were before the planning board looking for direction to build transfer moats. Their plan is to excavate, pour concrete slabs, and put steel beams. Mr. DaSilva explained the drainage plan. There is pervious soil around the moat.

Chairman Murray asked Village Engineer Pommer how does the stormwater management law factor in. Village Engineer Pommer asked for the height of the walls. Diana Molina stated from the ground elevation down, the maximum height is 4 feet or 3 feet before grade. Village Engineer Pommer asked how many cubic yards will be removed. Steve DaSilva stated 800 cubic yards.

Village Engineer Pommer had questions regarding the existing moats. He was advised that one moat is being modified. Regarding the impervious area, any rainfall goes back into the ground. Diana Molina advised the pervious surface will be increased.

After further discussion with Village Attorney Porteus and Village Engineer Pommer, it was agreed that the building department can handle this. Steve DaSilva replied to other questions to the satisfaction of the Board members and consultants.

This matter will be referred to the building department. They were advised to speak with building inspectors Peter and Brian Cook.

The Con Edison representatives appreciated the board talking to them and steering them in the right direction.

GENERAL DISCUSSION:

The Village board asked for written comments from the Planning Board regarding new legislation. Chairman Murray asked the board members to email him with any questions or comments and they will be forwarded to the Village board in one email.

Chairman Murray wished everyone a Merry Christmas.

ADJOURNMENT

On a motion by Jeff Faiella, seconded by Tracey Armisto, with all in favor, the meeting was adjourned at 9:34 PM. The next meeting is January 21, 2021.

Respectfully submitted,
Rosemary Martin, Secretary