

VILLAGE OF BUCHANAN  
PLANNING BOARD  
JANUARY 21, 2021

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: Brian Calabro  
David Garcia  
Dan Ciarcia

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 January 21, 2021.

This meeting was done via Zoom and Zoom audio and 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 2, last paragraph, third line after "anyone" add: "and what he wanted." Page 2, last paragraph, last line change sentence to read "Robert Thompson, Jr. was on the call." Page 3, fifth paragraph replace "fix" with "inspect."

Page 3, seventh paragraph, delete third sentence. Next paragraph, same page, replace "retaining wall" with "proposed fence." Tenth paragraph, after "restrictions" add "on modifying steep slopes."

Chairman Murray called for a motion to accept the minutes of December 17, 2020 as amended. A motion was made by Eileen Absenger, seconded by Jeff Faiella, with all in favor. Motion carried.

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

The public hearing for 226 Travis Ave for Brian Calabro was closed at the December 17, 2020 meeting. The public hearing was for the legal interpretation of the law. Discussed at that meeting were three different options to resolve the situation.

Chairman Murray asked if there were any questions for David Garcia or Mr. Calabro. The planning board can approve it, deny it, or accept it with changes. We can also ask that the property be returned to the original state. When we were first presented with the project, there were no steep slopes shown on the original drawing.

The board members and Village Engineer Pommer offered their opinions and evaluated the difficulty to landscape. It should be aesthetically pleasing. The board members discussed terracing options and removing one course of the wall.

Dan Garcia stated terracing involves heavy equipment and asked that the board consider the cost and difficulty accessing the bottom terrace.

Village Engineer Pommer noted the previous surveyor did not stake the property. Mr. Calabro advised there was no time to do this.

Mr. Calabro left a landscape plan at the Village Hall a few hours before the meeting; too late for anyone to receive it.

Village Attorney Porteus stated by the code 6 feet is allowed.

Jennifer Bakker asked what the distance between the two walls was. She was advised it is 6 feet on the shed side.

What is the total height of the wall? Mr. Calabro questioned how to measure the height of the wall. Village Engineer Pommer explained you measure from the dirt in front of the wall. Measuring from the dirt in front of the wall, Mr. Calabro commented he is within 7 feet. Chairman Murray noted that was measured a long time ago. Mr. Calabro was stopped in the middle of the project. Different ideas were discussed.

Building Inspector Peter Cook commented that terracing the wall incorrectly would put undue pressure on the wall. More discussion took place.

Chairman Murray mentioned an option of removing 24 inches off the top of the wall. Remove the top course of block 6 feet and then grade it back.

Mr. Garcia will talk to Mr. Ciarcia and propose it to the Village. Two or three options were proposed. Chairman Murray asked Village Engineer Pommer for inspection criteria and asked him to draft a resolution. Stipulations must be followed.

Mr. Calabro remarked there will be space when the shed is removed. Building Inspector Cook took photos of the property and noted most of the wall is 6 feet.

Mr. Garcia said to include an option. Field measurements will be taken. There is not enough room in front of the wall. More information will be obtained from the survey. Mr. Ciarcia said they designed the wall according to the survey.

The existing wall will be modified in one of the following ways. It can be terraced, or one or two courses can be removed and graded back.

The drainage will be amended, the property will be staked and marked, all construction will be verified, and no combination of wall should exceed 6 feet. Terrace the blocks so no wall is greater than six feet.

Chairman Murray said if it is going to be graded back, we know what the grade was, and we cannot change that. Old drawings shall be verified.

Village Engineer Pommer added they should provide a cross section of what they are proposing. We want to have something to look at in the field. Under no circumstances can it be changed.

All improvements are to be inspected and verified and approved by the village engineer and Building Inspector Cook.

Village Engineer Pommer asked about aesthetics. Is there any change to the plantings that should be done? Different types of plantings should be environmentally friendly. Beautification easement and screening must be maintained. All construction must be verified. We need a new topographical drawing, need cross sections and aesthetics. Another stipulation is access for maintenance should be in the final product.

Mr. Ciarcia can draw up a plan that would satisfy village requirements.

Chairman Murray stated we had asked the applicant and Mr. Thomas to come up with some ideas. Chairman Murray noted that the board has been working on this since October.

Chairman Murray asked Village Attorney Porteus to write a resolution and include inspection criteria that would have to be followed.

- Remove one or two courses, remove and regrade the property back, terrace the block so no wall is greater than 6 feet high. Take into consideration the previously terraced area.
- Drainage should be amended to show the previously terraced wall that was being used by Mr. Thompson that is on Mr. Calabro's land.
- All measurements should be verified by the building inspector or engineer. All improvements are to be inspected and verified and approved by the village engineer and Building Inspector Cook.
- Which option to use will be up to the applicant. .

Mr. Garcia asked to include the option to remove the top course and regrade from there.

Field measurements can be taken, or the surveyor can return and resurvey the property. Based on the first survey provided there is not enough room.

Mr. Ciarcia will get more information; now that the wall is exposed, it will be easier to see.

The existing wall could be modified in one of the following ways:

- It can be terraced by removing one or two courses and leveling it back according to the Village code.
- The property shall be staked and marked for verification of location; all construction shall be verified by a village representative.
- No portion or combination of the wall to be left as built shall exceed 6 feet and be per the zoning code.
- No combination of any terrace within 10 feet shall exceed 6 feet in height.
- The drainage shall be amended to show it will not impinge on the neighbor's property.
- No construction or modification of existing conditions shall be changed without the approval of the village.
- If it is going to be graded back, a topographical drawing should be submitted to show the new grade.
- The applicant must provide a cross section of what they want to do or what solution they are going to give to the village, so we have something to look at in the field.
- An as left topographical drawing should be provided to the village.
- It should be code compliant and the aesthetics should be pleasing and right for the environment and should be incorporated. Plantings must be maintained.

Chairman Murray asked if the board members had any questions. Village Attorney Porteus reminded everyone that the village code addresses this in the section on fences and height requirements. The height requirement is 6 feet as per the code.

Chairman Murray asked for a motion to adopt the resolution. On a motion by Jennifer Bakker, seconded by Eileen Absenger, with all in favor a motion was made to adopt the resolution. Motion carried. Village Attorney Porteus will draft the resolution

#### DISCUSSION OF OVERLAY DISTRICT:

The Village Board asked for written comments from the Planning Board regarding new legislation. Chairman Murray had asked the board members to email him any questions or comments to forward to the Village board.

The board members discussed the final draft of the overlay district prepared by Planning Consultant Stolman. The Village Board has asked for our input. Chairman Murray asked what

do the board members think about the changes and asked for comments for the Planning Board's review. One would be traffic and parking concerns. Look at parking requirements for different uses. The code allows four dwellings per acre. Look at parking aspects and ask for validation based on as-of-right use. Planning Consultant Stolman agreed.

Eileen Absenger asked what properties would this impact? Planning Consultant Stolman commented on-site parking and off-street parking would be affected. They must provide onsite parking for each use. They discussed the as-of-right uses and special permit uses. Traffic concerns were expressed by Jennifer Bakker, Eileen Absenger, and Tracy Armisto.

Discussed were the advantages and disadvantages of the Planning Board handling matters of zoning and planning. We do not want to take away the powers of one board. The zoning board handles lot coverage and setbacks. Chairman Murray did not think the Planning Board should be taking over Zoning Board issues. Everyone was okay with it.

Chairman Murray remarked from a tax revenue aspect what could be changed. Eileen Absenger suggested that for all C1 district and C2 properties instead of using an overlay, change the code.

#### 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 February 18, 2021.

Respectfully submitted,

Rosemary Martin, Secretary