

VILLAGE OF BUCHANAN
PLANNING BOARD
MARCH 17, 2022

PRESENT: Jeffrey Faiella, Chairman
Eileen Absenger
Tracey Armisto
Awilda Baez
Jennifer Bakker
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
Sharon Murphy, Deputy Village Clerk
Shane Farrell, Police Chief
Brian Cook, Building Inspector
Peter Cook, Assistant Building Inspector

OTHERS: Daniel McCarthy, Esq.
Yolanda Infante
Marco Mandra, Architect
Ronald Timcoe
Carol Timcoe
Judy LoSasso
Mike Macaluso

This meeting was done via Zoom and Zoom audio and is being conducted in accordance with Executive Order 11.4 of the Laws of 2022.

CALL TO ORDER:

Chairman Jeffrey Faiella called the meeting of the Planning Board to order at 7:30pm and led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Faiella called for a motion to accept the minutes of February 17, 2022 as written. A motion was made by Awilda Baez, seconded by Jennifer Bakker, with all in favor.

OLD BUSINESS:

CALENDAR NO. 1-22-PB: Continuation of a Public Hearing for a Special Permit Application for Accessory Apartment for Property Located at 170 Second Street (Y. Infante)

A motion to continue the public hearing on Calendar No 1-22-PB regarding the Accessory Apartment located at 170 Second Street was made by Eileen Absenger, seconded by Tracey Armisto, with all in favor.

A further submission from the architect was made showing the occupiable space and that the accessory apartment meets the requirements. The final as-built drawing shows the square footage is 589 square feet and is 19% of the total area of the building. Mr. McCarthy stated that the application, property conditions and information submitted meet all the criteria for approval for a special permit under Village Code Section 211-22.

Assistant Building Inspector Peter Cook stated that the bathroom in the basement level of the home that was done prior to Ms. Infante's ownership needs a permit. As a result, she has submitted a permit, Mr. Cook has completed the inspections and the permit is in the process of being finalized. Mr. Cook advised that two doors in the basement needed to be removed and that has been done and everything else in the house is good to move forward with this application. Architect Marco Mandra explained that per the code anything under five feet under a slope ceiling is not considered accessible occupiable space. They have removed a door to make an inaccessible closet and added a partition in another area to make inaccessible space. This has reduced the occupiable square footage to 589. Jennifer Bakker questioned the parking situation. Mr. McCarthy explained there are two off street parking spaces on the property adjacent to the house, in front of the garage.

Mr. McCarthy stated that he has letters in support of the application. Awilda Baez mentioned that the Timcoes also presented letters from other neighbors that were not happy with this circumstance. Mr. Peter Cook stated that if there were to be a violation that goes outside the parameters of what the single-family residence is allowed to have, then the Building Department would take the special permit back. Village Attorney Porteus stated that there is a provision in the code that says the Building Inspector shall have the right to inspect the premises on reasonable notice to the owners.

Mr. and Mrs. Timcoe spoke against the accessory apartment claiming that the applicant has been in violation of the Village Code due to the applicant having tenants on the property for many years and that the parking requirement could not be met. They mentioned there were other accessory apartments in the area and a day care on the street. They mentioned that the tenants arrive home late at night and are talking loudly and slamming doors. They also complained that the road was very busy and at times with all the cars parked on the side of the road they could not drive their car down the middle of the road. Mr. Macaluso also complained about the parking and that there are too many rentals on this street. Mrs. LoSasso stated that the cars on the road are atrocious and that all they are trying to do is live comfortably. Eileen Absenger asked if there is anything the Village can do in regards to the parking. Chairman Jeffrey Faiella requested that Police Chief Shane Farrell join this meeting by zoom. Police Chief Farrell stated that he was aware of the complaints and that he and his officers have driven the street numerous times and they have not seen the conditions being complained about.

The Planning Board members asked questions and had lengthy discussions on the application. Village Attorney Porteus stated that the Village will have more control if the accessory apartment is permitted because it can make sure the provisions of the code and the legislative intent of allowing these kinds of apartments give some parameters and gives the Village the right to enforce them.

A motion to adjourn the public hearing was made by Awilda Baez, seconded by Eileen Absenger, with all in favor.

A motion to approve the special permit application was approved by Eileen Absenger, Tracey Armisto and Jeffrey Faiella and denied by Awilda Baez and Jennifer Bakker. The motion is hereby granted for a special permit for an accessory apartment at 170 Second Street.

ADJOURNMENT:

The meeting was adjourned at 9:20 PM on a motion by Eileen Absenger, seconded by Awilda Baez, with all in favor. The next meeting will be on Thursday, April 21, 2022.