

VILLAGE OF BUCHANAN  
PLANNING BOARD  
JANUARY 26, 2023

PRESENT: Jeffrey Faiella, Chairman  
Eileen Absenger  
Jennifer Bakker  
Nicolas Zachary  
Marcus Serrano, Village Administrator  
Stephanie Porteus, Village Attorney  
George Pommer, Village Engineer  
David Smith, Village Planner  
Cindy Kempster, Village Clerk, Treasurer  
Sharon Murphy, Deputy Village Clerk  
Peter Cook, Assistant Building Inspector

ABSENT: Tracey Armisto

OTHERS: Pasqualino Carbone  
Anthony Carbone  
Joseph Thompson, Architect, PLLC  
Steve Marino, Tim Miller Associates  
Ralph Mastro Monaco, P.E., P.C (via zoom)

**CALL TO ORDER:**

Chairman Jeffrey Faiella called the meeting of the Planning Board to order at 7:00 P.M. and led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Chairman Faiella called for a motion to accept the minutes of August 25, 2022 as written. A motion was made by Jennifer Bakker, seconded by Eileen Absenger, with all in attendance in favor.

**NEW BUSINESS:**

**CALENDAR NO. 1-2023-PB: Carbone Application, Village Square Residences & Commercial Development 3095 Albany Post Road**

Mr. Pasqualino Carbone presented the proposed development on the property of 3095 Albany Post Road. The property is on the corner of Albany Post Road and Lake Street. The Village Square consists of 51 apartments and a commercial building. Mr. Thompson presented a slide show. He explained that the project proposes three free-standing identical apartment buildings and one drive-through commercial building. The apartment proposes 17 units apiece that are all two bedrooms. The buildings will be toward the front with parking in the back. The access will be off Lake Street. There are 102 parking spaces to support the apartments. The drive-through commercial has 10 spaces. There is no current tenant. In each apartment building there will be recreation space and laundry facilities. There will be a turn around at the end of the parking lot for fire trucks. Mr. Marino explained that there are wetlands on the property. The wetlands are not regulated by the Army Corp of Engineers or the DEC, it is strictly a local wetland. The wetlands are part of the parking lot construction and will require approximately 17,000 square feet of fill. The

three-primary species of vegetation found on the site are all non-native invasive species. The main function of that wetland is stormwater storage and retention. As part of the wetland enhancement plan, they are proposing to create a detention structure, a stormwater wetland in what is currently asphalt behind the existing maintenance garage. By creating that wetlands, they will introduce all native species and species that are known to have value and benefits for wildlife species. Within the constructed wetland they have proposals for additional buffer plantings of native trees and shrubs. This will mitigate the loss of wetlands on the site. They are also proposing to clean out the invasive species in wetlands that remain.

Village Engineer Pommer asked if there was a maintenance access path to the wetlands area. They will work that into the plan. Village Engineer Pommer asked how much soil do they anticipate taking out in order to build the parking lot. The response was that they have not look at that yet. Village Engineer Pommer questioned the little stream that is running towards the pond. Mr. Merino stated that the stream is part of the existing wetlands that will remain and be enhanced. Village Engineer Pommer asked about the drainage from the retail property that flows into the pond. Mr. Mastromonaco stated that the stormwater wetland is there to treat the entire property – retail and residential.

Village Planner Smith stated that he had an opportunity to discuss the application with the applicant prior to submission. One of the comments was whether a formal subdivision will be included as part of the application. Mr. Thompson stated that is their intention. Village Planner Smith advised Chairman Faiella that when you look at this from a zoning standpoint, the retail piece is a permitted use and the residential piece, even though it's on a separate lot, is the special permit which is under your purview. Both which will have site plan approval. Village Planner Smith asked about the height of the building. The Village Code has a provision that says critical environmental areas are defined as any proposed building that is over 40 feet. Mr. Thompson replied that it was designed to conform with the 40 foot. That is the mid-point of the roof. Village Planner Smith stated that if it is over 40 feet in height because it is classified as a critical environmental area in the Village Code, it becomes a Type 1 action under SEQRA. A Type 1 action requires that a full environmental assessment form be prepared and submitted with the application. The applicant has already done this, so regardless if it is an unlisted or Type 1, they have already met the criteria and that would allow the Board to advance at least the SEQRA process by declaring their notice of intent.

Nicolas Zachary questioned the parking lot that has the same entrance in and out. He is concerned about emergency vehicles getting in and out quickly. Mr. Mastromonaco replied that they met with the fire chief a couple of weeks ago. The end of that road is specifically designed for a fire truck to turn around in. Nicolas Zachary asked if there was an alternative for an alternate egress on the north side of the property. Mr. Mastromonaco stated that he will look at it. Nicolas Zachary asked about the water pit at the corner of Lake Street and Albany Post Road. Village Engineer Pommer replied that only a little bit of the pit is on the property line. There should be easement for the water pit. Nicolas Zachary asked if it is necessary to have separate site plans and a subdivision to proceed if they are both allowed on the same lot. Village Planner Smith stated that the properties are in the C2 zone. The Code is written that if you want to have a mixed-use development, you need to have the retail on the bottom and the apartment up above. The mixed use is permitted as right. This is not what they are proposing. They are proposing a separate retail. The easiest way to move this project forward is to carve out the retail piece. Eileen Absenger asked if there was a reason to only having two-bedroom apartments. Mr. Thompson replied two-bedroom apartments are most in demand right now. Eileen Absenger stated that she has a problem with the trees on the sidewalk in the front because of the weeding and the uprooting of the concrete. She would like to see them on the property. Mr. Thompson said the problem comes up when there is an improper species of trees. They will use something that will not

spread laterally and have the proper size tree pit and give it adequate space. Eileen Absenger stated that in regard to the commercial business she is not in favor of having an entrance and an exit on Rt 9A. She would rather have just a right-hand turn exit. Is there a possibility to put an entrance on Lake Street? She wondered if the building could be made smaller and switched in a different direction, and not have the parking in front of the building. Mr. Thompson said they could study it. The intent is to create as long a queue as possible for the drive through. Village Planner Smith stated they the applicant will have to bring on their own traffic engineer. The Village has hired Phil Grealy as our traffic consultant. They have been coordinating with DOT on the proposed scope of work that the applicant will have to evaluate from a traffic stand point. The DOT will be the ones to approve a curb cut or traffic light on Rt 9A. Jennifer Bakker stated that the 102 parking spots potentially doesn't allow for any visitors if you assume two spots for apartments. There isn't any street parking. Mr. Thompson replied that this meets the zoning code. On average every unit won't have two cars and people will be alternating in and out. Village Planner Smith stated that typically full occupancy for a rental property is 95%. Jennifer Bakker is concerned that there isn't another entrance on Rt 9A. She stated that there doesn't seem to be enough parking on the retail site. The refuse container should not be in the front of the lot. She questioned if there was any common green space for the residents. Mr. Thompson replied that that is something they are trying to develop. Jennifer Bakker asked what the target rental is for the residents. Mr. Thompson replied that he feels it will be a mix of serving people that are already in the area and some new people. The apartments are market rate. Chairman Faiella asked why there is not a fire hydrant in the back of the complex. Mr. Mastromonaco replied that there is no water main running along the back road. He stated that he can bring a service from Albany Post Road between the buildings to a hydrant on the driveway. They are waiting for Chief Outhouses response. Chairman Faiella questioned where the management office will be. Mr. Thompson replied it will be in one of the buildings. Chairman Faiella asked if the hood ranges will be vented. Mr. Thompson said typically they vent out. Chairman Faiella asked how many trees will be taken down on the property. Mr. Mastromonaco will get a count of the trees. Chairman Faiella asked if the concrete pad where the refuse and recycling is will be enough for all three buildings. Mr. Mastromonaco replied that it will be enough based on other projects they have done. Village Planner Smith stated that to be conservative and move the process along, this can be classified as a Type 1 action. There is a resolution declaring your notice of intent to act as lead agency for the proposed action. The notice of intent will be circulated to other interested and involved agencies and as long as no other agency objects, the Planning Board will be declared the lead agency. Before a public hearing is scheduled you must have the traffic permit, a cost benefit analysis, and the design guidelines. Chairman Faiella recapped that the special permit for the C-1 is for the rental and C-2 is for the commercial.

VILLAGE OF BUCHANAN PLANNING BOARD RESOLUTION  
DECLARING NOTICE OF INTENT TO ACT AS  
LEAD AGENCY FOR PROPOSED C1/C-2 OVERLAY DISTRICT SPECIAL PERMIT  
AND SITE PLAN APPROVAL FOR THE DEVELOPMENT OF UNIMPROVED  
PROPERTY LOCATED ON 3095 ALBANY POST ROAD

A motion to approve this as presented was made by Nicolas Zachary, seconded by Eileen Absenger, with all in favor and Tracey Armisto absent.

**WHEREAS**, on or about December 2, 2022, representatives of Carbone Brothers 3095 LLC (the "Applicant") did submit a facially complete application to the Village of Buchanan Planning Board (the "Planning Board") for C-1/C-2 Overlay District Special Permit and Site Plan approval

and other related approvals for the development of approximately 4.87 acres of real property located at 3095 Albany Post Road (the "Subject Site") in the Village of Buchanan; and

**WHEREAS**, the Applicant seeks to develop the Subject Site with 51 multi-family residential units proposed in three separate buildings supported by 102 at-grade parking spaces, a 2,275± square foot commercial building supported by 10 at-grade parking spaces and a 17,358± s.f. stormwater wetland system design consistent with NYS DEC Stormwater Design Manual (collectively the "Proposed Action"); and

**WHEREAS**, on January 26, 2023, at a regularly scheduled meeting of the Planning Board, the Board did review and discuss the Proposed Action; and

**WHEREAS**, the Planning Board, under Article VI. §211-24.1 and Article VII – Site Development Plan Approval of the Code of the Village of Buchanan, is a duly authorized agency that has the authority to approve the proposed Special Permit use and site development plan approval; and

**WHEREAS**, after a review of the application, the Planning Board acknowledges that there are other Interested and Involved Agencies, as those terms are defined under the State Environmental Quality Review Act ("SEQRA"), that should be notified of the Planning Board's Intent to Act as Lead Agency; and

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board pursuant to Article 8 of the Environmental Conservation Law ("SEQRA"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and, hereby determines that the Proposed Action is subject to SEQRA and based on an initial review of the Village Code classifies the action as a Type 1; and

**BE IT FURTHER RESOLVED**, that the following agencies identified by the EAF, and using all due diligence, are Interested or Involved Agencies for the Proposed Action and should be provide a copy of this Notice of Intent to Act as Lead Agency:

Village of Buchanan Village Board  
Village of Buchanan Zoning Board  
Town of Cortlandt  
Westchester County Department of Health  
Westchester County Department of Planning  
New York State Department of Environmental Conservation  
New York State Department of Transportation; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby directs that a Lead Agency Coordination Notice be circulated among Interested and Involved Agencies together with copies of the EAF, and such other information as is appropriate, indicating the Planning Board's intent to assume the role of Lead Agency for the Action under SEQR and Part 617, and that a minimum of 30 days to comment on the Board's Intent to Act as Lead Agency and that any correspondence on this matter be directed to the Village Administrator's Office, 236 Tate Avenue, Buchanan, NY 10511.

Carried by the Following Votes:

AYES: Jeffrey Faiella, Eileen Absenger, Jennifer Bakker, Nicolas Zachary  
NAYS: None  
ABSENT: Tracey Armisto

A Public Hearing will be scheduled after the other agencies have been notified and requested information has been received. Village Engineer Pommer asked about a walking trail by the wetlands. Mr. Marino replied that they generally do that on creative wetlands. They will put woodchips around and a few benches. The goal is to make it attractive. Chairman Faiella asked about snow removal and grass clippings and leaves. Mr. Mastromonaco replied that there is a place for it. Village Engineer Pommer asked about garbage pickup. Village Administrator Serrano replied that it will be private pickup.

## **DISCUSSIONS:**

### **Buchanan Dev AMS LLC Update from the Village's Planner, David Smith**

Village Planner Smith explained that at the January 24 Board Meeting, AMS made a formal petition for amendments to the zoning code and a map amendment. Part of the property is in the C2 and part of the property in the M1 zoning district, so in order to take advantage of the C1/C2 overlay they want to rezone the part that is M1. They are requesting density beyond what is currently allowed in the code. They are asking for increased density by special permit by the Village Board. As part of the zoning text amendments, the Village Board would be the approval authority to grant the special permit for the site plan. The Planning Board would be provided a copy of the site plan. The applicant will come in and make a presentation. The Planning Board will have an opportunity to review the plans and provide your comments back to the Village Board.

### **Lot Coverage Discussion**

Village Planner Smith explained that an issue came up about lot coverage. In the code under the schedule of bulk regulations there are requirements of lot coverage that range from 25% to 30% for residential districts and 50% for commercial districts. There were comments made by the public that perhaps the lot coverage should be brought up. Village Planner Smith prepared a memo regarding what other communities have. 40% coverage seemed to be a reasonable number. Village Planner Smith prepared proposed text amendments which allow for maximum lot coverage to be increased in the R40 zone to go from 25% – 35% and in the R20 through the R7.5 zone to go from 30% 40%. A note was included that after the date of adoption of the amendments to maximum lot coverage, applicants developing vacant lots must design for the 100-year storm event; for currently developed lots, design must include 100 percent of new construction at 100-year storm event plus 10 percent of pre-existing coverage designed for 100-year storm event. The Planning Board discussed the lot coverage, does not have any objection and did not have any comments to send to the Village Board.

### **Possible Changes for the date of the Planning Board June 2023 Meeting**

Village Planner Smith will not be available for the June 2023 meeting. The Planning Board will discuss at a future meeting.

Village Administrator Serrano stated that the Village Board was going to discuss Accessory Units at the last meeting but the Governor has a new proposal, therefore, the Village Board will not be doing anything with Accessory Units depending on what the State does. The Village Board will open the public hearing on Accessory Units, not make any changes and close it.

## **ADJOURNMENT:**

The meeting was adjourned at 9:05 P.M. on a motion by Eileen Absenger, seconded by Nicolas Zachary, with all in attendance in favor and Tracey Armisto absent. The next meeting will be on Thursday, February 23, 2023.