

VILLAGE OF BUCHANAN
PLANNING BOARD
JUNE 27, 2024

PRESENT: Jeffrey Faiella, Chairman
Eileen Absenger
Tracey Armisto
Nicolas Zachary
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
George Pommer, Village Engineer
Cindy Kempter, Village Clerk, Treasurer
Peter Cook, Building Inspector
Brian Cook, Building Inspector

ABSENT: Jennifer Bakker

OTHERS: Jim Annicchiarico, Cronin Engineering
Bernard Calabro, Gallon Measure
Marco Mandra, Architect
John Lentini, Architect for 182 Lindsey Avenue
Theresa Knickerbocker, 182 Lindsey Avenue

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.

APPROVE MINUTES:

May 23, 2024 Planning Board Minutes

A motion to approve these minutes was made by Ms. Armisto, seconded by Ms. Absenger with all in favor.

OLD BUSINESS:

CALENDAR NO. 3-2023: Consider a Motion to Adjourn a Public Hearing for Site Plan Review for 3176 Albany Post Road Proposed Mixed-Use-Building (§43.16-211).

Village Administrator Serrano stated that the applicant is working on comments raised by the Village Engineer Pommer and are waiting for a survey, so they requested that this be adjourned until next month. Village Engineer Pommer commented on the current conditions of the building, specifically the tarp on the building.

A motion to adjourn the public hearing until July 25, 2024 was made by Mr. Zachary, seconded by Ms. Absenger, with all in favor and Ms. Bakker absent.

CALENDAR NO. 2-2024: Public Hearing for Site Plan Application for 3106 Albany Post Road (§43.20-1-22 Gallon Measure).

A motion to open the public hearing was made Ms. Armisto, seconded by Mr. Zachary, with all in favor and Ms. Bakker absent.

Mr. Annicchiarico stated that based on the Village Planner's review it was flagged that they need a variance for lot site for the residential units. This is a requirement of the C1/C2 overlay district which requires a minimum of 20,000 square feet lot size. There is the prorated word in the portion of the code and based on that they feel they meet the spirit of the code which wants 5,000 square feet of lot area per unit and they have at least 5,400 square feet of lot area per unit. They went to the Zoning Board and they scheduled a public hearing for July 10th. They are still in the process of going over the comments from Village Engineer Pommer.

The application proposes to renovate the existing building which is on a 16, 300 square foot lot. It is in the C1/C2 overlay district. They are proposing three units above the service station. The project proposes to expand the footprint of the service station to add an additional two bays. They were granted a variance from the Zoning Board for the corner of the property that sticks out over the property line. They are going straight up and not encroaching any further into the right of way. The site plan proposes an area for cars that will be worked on at the shop and a separate area for residents. The tea cup on the building will be preserved. The green mailing cards were submitted. Renderings of the building were submitted. Building Inspector Peter Cook stated he has no issues with the project. Village Engineer Pommer stated that the major items were the easements for the sewer and water, the sidewalk wrapping around the front of the building and DOT comments. Mr. Zachary asked for larger plans for the floor plans. Ms. Absenger asked if the building is higher than the DaRo's property. Mr. Annicchiarico stated that they will be similar and they comply with the height requirement.

Paola and John Chacon-Paul, 3109 Albany Post Road asked when the construction would take place. She made public comments about being concerned who would be renting the apartments and when the work would start. Bernard Calabro stated that they are hoping to start as soon as

possible and construction would take approximately one year. They are planning on market value apartments. Mr. Zachary questioned the sound attenuation between the garage and the apartments. Mr. Calabro stated there will be sound proofing and will be according to code. Ms. Absenger questioned the size of the recreation spot in the north-west corner and if the residents would have to go through any of the cars being worked on. Mr. Calabro stated the size is not final yet and the residents will probably have to walk across the driveway to get to the recreation spot. There was discussion on where the residents would park and could they be away from the cars being worked on. There was discussion on where the residents would dump their garbage and recycling. Barbara Marshall, 226 Rockledge Avenue made public comment about everything being vague. She feels there will be lots of congestion and no place to park. Chairman Faiella stated that the plans are on the website. Mr. Annicchiarico explained that all the parking will take place on the lot. They are proposing three one-bedroom apartments in the two-story building. One unit will be 860 square feet, one will be 920 square feet and the third will be 830 square feet. Liz Webster said her mom has lived on Rockledge Avenue for 70 years. She made public comment about her mother's quality of life stating it is a quiet street and how will it affect the resale of her house. Ms. Absenger questioned if there will be plantings or trees on the west end. Mr. Annicchiarico said there will be fencing and landscaping. Patricia Lang, 230 Rockledge Avenue, made public comment about the current diesel smell and how the smell goes into her house. Now there will be more cars. She is proud that her father built that gas station, but is not proud of what goes on there now. There are vehicles during the night that come in and drop cars off. Paola Chacon-Paul, 3109 Albany Post Road, stated that she is in the middle of hell with construction all around her. She questioned if the Board has taken into consideration of how this affects the resident's quality of life with the construction and the noise. John Chaco-Paul, 3109 Albany Post Road, made public comment about the Board not listening to all the comments and they let the contractors do whatever they want. Patricia Lang, 230 Rockledge Avenue made public comment about the school traffic and now there will be more traffic. Tina Zerello, 229 Westchester Avenue, made public comment about traffic and what type of people are being put into these apartments.

Marco Mandra explained they are proposing to renovate the Gallon Measure which will include expansion of the first floor with additional bays and a second-floor addition with three apartments and office space for the business. Each apartment exceeds the minimum square footage of 750 square feet. They are proposing navy blue siding and casement windows on the second floor. For the ground floor it will be a split faced block and will keep the tea cup/oil can. They tried to keep it simple with clean lines. Mr. Mandra showed pictures of the building. The footprint will stay the same except for the addition on the west side of the building which will give the mechanic shop two more bays. The north side will have a staircase for the residents to get into their apartments.

Mr. Zachary stated that in light of what was brought up about fumes, having the tenants park at the western end of the lot seems more appealing than the north side of the lot. Mr. Zachary stated that we have to look at idling close to the apartments and middle of the night drop offs are

something we have to look at. Ms. Absenger questioned if it would be possible to drop off any middle of the night cars at Little Bear. Mr. Calabro replied that any vehicle that needs a tow does not move around on its own. Therefore, we can't drop it at a different shop. He doesn't feel this is a chronic issue. Ms. Absenger asked Mr. Calabro for the next two months to jot down when there is a drop-off.

A motion to adjourn the public hearing until July 25, 2024 was made by Ms. Absenger, seconded by Ms. Armisto with all in favor and Ms. Bakker absent.

CALENDAR NO. 3-2024: Public Hearing for Site Plan Application for 182 Lindsey Avenue (§43.15-4-1 Knickerbocker).

A motion to open the public hearing was made Mr. Zachary, seconded by Ms. Armisto, with all in favor and Ms. Bakker absent.

Mr. John Lentini explained that they are looking for approval for an ice cream parlor at 182 Lindsey Avenue. It was previously a deli and then it became offices. They are maintaining what was there with no drastic changes. There will be outside seating similar to what was approved before. There was a question about having one lavatory for unisex. The state code states that up to 49 persons you only need one lavatory. One handicap space is good up to 25 spaces and they only have 17 spaces. The green cards were received. Theresa Knickerbocker stated that they building was built in 2006. Building Inspector Cook stated that a grease trap is needed since there is food preparation. Village Engineer Pommer stated that the site plan hasn't changed since 2006. He mentioned possibly putting in bike racks. Ms. Absenger questioned if the applicant wanted to put the kitchen back in what would she do. Building Inspector Cook replied that a kitchen is part of a permitted use, but would still go through the building department. Mr. Lentini stated that they are close to getting health department approval.

Sal Tavano, 167 Lindsey Avenue, made public comment in favor of the ice cream parlor.

Tania Drezek, 222 Travis Avenue, made public comment about how certain businesses have to get permits and others don't.

Theresa Knickerbocker wanted to put on the record that a resident was told the building inspector stopped her from doing any electrical or plumbing. She invited anyone to stop over and see where she is in the process. There has been no electrical or plumbing done. Wherever that misinformation is coming from it is destroying and hurting her character. She will not tolerate any lying about what it going on over there.

John Lentini stated that building inspectors are mostly dedicate people who respond to complaints. They don't go looking for problems.

A motion to close the public hearing was made by Mr. Zachary, seconded by Ms. Armisto, with all in favor and Ms. Bakker absent.

A motion to approve the resolution was made by Mr. Zachary, seconded by Ms. Absenger, with all in favor and Ms. Bakker absent.

SEE ATTACHED RESOLUTION

NEW BUSINESS:

CALENDAR NO. 4-2024: Site Plan Application for 3229 Albany Post Road and Remedy to Correct Violations on This Property Through the Site Plan Process. (§43.12-1-2 & 1A Pacific Automotive).

Mr. Annicchiarico stated that Pacific Automotive is a diesel truck and machinery repair. It is in the M1 Zoning District. Lot 1A has no buildings or structures on it and is .16 of an acre which is just over 7,000 square feet. Lot 2 is just over half an acre with 25,062 square feet. This lot contains a metal building, pre-existing non-conforming residential structure, a trailer that is used as an office and some containers behind the building for storage. There is a concrete pad on the west side of the building that has a lift on it and parking for trucks, residential parking and employee parking.

Brian Cook read the list of things to address. The original approved site plan is no longer being followed. There are two joined construction trailers on site with no building permit with electricity run to them and possibly plumbing. The single-family residence which was originally owner occupied has been converted to a multiple tenant occupied structure without any permits, board approval or engineering. The three story above grade building requires a fire sprinkler from the third floor which they are occupying, to a point of safe discharge as per NYS code. The 40 x 60 storage building which was originally built for personal storage use is now used for major mechanical repair. Lifts have been installed without permits or engineering on the interior of that building. Altered entry and large garage door on structure was changed without engineering or permits. It was one single overhead door with a walk-through door. There are now two large overhead doors on the butler building. The west side of the storage building was to remain grass covered with walk ways and a sitting area for the approved site plan. Currently, a large cement pad and large vehicles are stored in a state of disrepair with the outdoor lift installed with no permits, engineering or investigation of any utilities. There was a complication at the WIC building where they lost a fire line water service due to the fact that it was underneath where all this large storage area is. When Mr. Cook was there initially, there was a large, excessive tire storage, new and old tires, outside

the building and storage containers, 40-foot-long, stacked on top of each other and they contain new tires. There is an area to install tires onto rims. The vehicles are parking on Conrail property and a retaining wall has been installed. The front fence was installed with a permit and they are above the six-foot maximum size of a fence. They are parking vehicles on the grass between the fence and Albany Post Road. Commercial long type vehicles, tractor and trailer type situations, are being inspected in the median on Albany Post Road and property of others. There is an 18 x 40 structure put next to the metal building with no permits, board approval or engineering. A water mitigation plan was required for the increase of impervious services on the site plan which have not been done. There was an oil tank replacement directly behind the house. There are no permits on file for the oil tank. Chairman Faiella questioned if the oil tank replacement was a concrete line one. Mr. Cook replied it a steel tank on four legs completely exposed to the elements with copper lines coming out the top to service the oil burner. Chairman Faiella asked if there is an oil water separator in the large building where they are performing maintenance. Mr. Cook replied there is none that he has seen. Mr. Zachary questioned if you have a pre-existing condition that was grandfathered in, you can only maintain that if you have continuous use of the non-conforming use. So how do we know this has been a continuous use. Mr. Zachary stated that they should not be looking at any site plan application until all the violations have been cleared up.

Village Engineer Pommer stated that the applicant should address all of Mr. Cook's comments and bring back a compliant site plan or request variances. They need to address the parking on Conrail property. They need to address the drainage and oil/water separators as part of storm water runoff.

Tania Drezek, 222 Travis Avenue, made public comment about Pacific Automotive's website and the items they repair.

Village Administrator Serrano put on the record that Pacific Automotive has two months to come back with a revised site plan. There are violations pending and if the violations are not remedied then the violations will go to the court.

CALENDAR NO. 5-2024: Subdivision Application for 187 Westchester Avenue & 208 Fourth Street. (§43.15-1-4 Richards).

Mr. Annicchiarico explained that there are two houses on this property. One house faces Westchester Avenue and the other faces Fourth Street. The total of the area is 39,012 square feet and is in the R-20 zone. In order to sub divide this property and separate the

two houses, we have to create one lot that is slightly undersized by the zoning requirement of 20,000 square feet. The Zoning Board gave them a variance with the stipulation of one lot to be as close to 20,000 as possible. They changed the line and came up with 20,033 square feet for the Westchester Avenue house and 18,978 square feet for the house on Fourth Street. The deed will state that the Fourth Street house is a pre-existing non-conforming house. Both houses have their own utilities. Village Engineer Pommer suggested that there be a maintenance/conservation easement around the Fourth Street pump station.

A motion to have a public hearing on July 25, 2024 was made by Ms. Armisto, seconded by Ms. Absenger with all in favor and Ms. Bakker absent.

ADJOURNMENT:

At 9:25 PM a Motion to adjourn this meeting was made by Ms. Armisto, seconded by Ms. Absenger, with all in favor and Ms. Bakker absent.

RESOLUTION
Adopted at the June 27, 2024 Meeting of the
Village of Buchanan Planning Board

RESOLUTION: SITE PLAN
PROPOSED: Change of Use
LOCATION: 182 Lindsey Avenue
TAX MAP
DESIGNATION: Section 43.15-4-1 and 2
ZONING: C-1 General Commercial District

WHEREAS, on or about 5/10/24, Theresa Knickerbocker (the “Applicant”) did submit an initial application to the Village of Buchanan Planning Board (the “Planning Board”) for Site Plan approval and other related approvals for the development of approximately 0.298 acres of real property located at 182 Lindsey Avenue (the “Subject Site”) in the Village of Buchanan; and

WHEREAS, the Applicant seeks to develop the Subject Site into a mixed-use building using the first floor for ice cream sales and two residential apartments on the second floor, all supported by 17 spaces of at grade parking (collectively the “Proposed Project”); and

WHEREAS, the Planning Board after a thorough review of the Application and pursuant to §83-12 of the Village Code did classify the Proposed Action as a Type II Action under the State Environmental Quality Review Act (SEQRA) and an environmental assessment form is not required; and

WHEREAS, the Planning Board has reviewed the following materials:

- Application package received on or about 5/10/24 consisting of:
 - Site Plans prepared by John A. Lentini, Architect dated 5/9/24 consisting of:
 - Sheet S-1 Existing Site Plan Review
 - Sheet A-1 Proposed Ice Cream Parlor

WHEREAS, the Planning Board did discuss the Proposed Action at its 5/23/24 meeting and opened a public hearing on 6/27/24 in which all members of the public were invited to attend and comment on the Application and the public hearing was subsequently closed; and,

WHEREAS, pursuant to 6 NYCRR Part 617, the SEQRA regulations, the Planning Board has made the following findings and caused, noted or conducted the following activities:

1. Received a completed application and application fee;
2. Requested, received and considered comments from the Village Engineer, Village Attorney, Village Planner and Building Inspector about the proposed project which were provided in written form or discussed with the Board during the course of the Planning Board meetings;
3. Determined the proposed Action was Type II under SEQRA;
4. Held a duly noticed public hearing; and
5. Considered the factors set forth in Village Code Article VII Site Development Plan Approval.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

RESOLVED, that the Planning Board has considered the criteria in Section 211-25 of the Village Code related to Site Plan review including:

- (1) The design of the Proposed Project is harmonious in the relationship to the proposed buildings and adjacent properties and streets.
- (2) Access to the Project Site has been designed for maximum safety and convenience of vehicular and pedestrian use
- (3) Adequate water and sewer service are provided to the Project Site with stormwater drainage addressed. Solid waste disposal will be provided by private carting service; and be it further

RESOLVED, considered the proposed building design in light of the purposes for design review as outlined in Article 7, §211-26.A. Design, with respect to architectural design of buildings, signs and other structures and finds that the design as depicted on the Architectural Plans

and finds that the design is consistent with and has a harmonious relationship with the Project Site and adjacent properties and streets; and be it further

RESOLVED, that said Application is hereby granted approval and the Applicant may obtain the endorsed approval of the Planning Board Chair on a copy of this resolution and upon the site plan drawings, which endorsement shall permit filing in the Buchanan Building Department for purposes of obtaining building permits in accordance with this resolution and all building code requirements subject to conditions and modifications identified below:

1. This approval shall expire if the following modifications and conditions have not been completed to the satisfaction of the Planning Board and the Village Building Department: submission of a satisfactory building permit application for building construction within one year of the date of the adoption of the site plan approval, subsequent construction commencing within six months of the date of building permit issuance and thereafter diligently pursued and construction completed within three years of the issuance of the building permit. Opportunity for extensions of the site plan approval to be granted for good cause by the Planning Board at the request of the Applicant for periods of six months each. Any material change to the Site Plan resulting from an approval required by another approving entity shall require the Applicant to appear before the Planning Board for a Site Plan Amendment.

CONDITIONS PRIOR TO ENDORSEMENT OF SITE PLAN

The following conditions shall be completed by the Applicant prior to the endorsement of the Site Plan by the Planning Board Chairman:

2. This Site Plan Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as delineated on the Site Plan as endorsed by the Chairman. Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Planning Board of an amended Site Plan.

3. As per §211-28.B. of the Village Code the Applicant shall be required to post a performance bond or other type of acceptable monetary guaranty which shall be in an amount determined by the Planning Board and Village Engineer and in a form satisfactory to the Village Attorney.
4. As per §211-28.C. the Applicant is required to post a maintenance security which shall guarantee the upkeep of the landscaping, screening and safety devices and ensure the general cleanliness and proper housekeeping of the grounds and environment of the site development plan.
5. The Applicant shall pay to the Village of Buchanan any outstanding professional review fees in accordance with §211-28.D. of the Village Code.
6. Parking at the Subject Site is limited to prospective residents of the proposed residential units and patrons of the proposed retail use unless otherwise prescribed by an existing easement.
7. The Applicant shall furnish the Village with three (3) print sets of the Site Plan as described above, for endorsement by the Chair, as the approved Site Plan and an electronically scanned version of the approved plans.
8. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Site Plan by the Chairman, one print set will be returned to the Applicant, one set shall be retained by the Planning Board as a record copy, and one set provided to the Building Inspector.

CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

10. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1-8 as appropriate.
11. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and

filed Site Plan. The Building Inspector shall include reference to the Site Plan and this Resolution of Approval on any Building Permit.

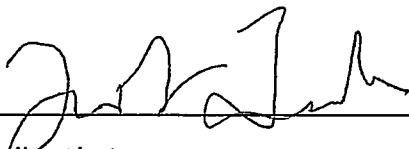
12. The Applicant shall provide building construction drawings documenting full compliance with the New York State Uniform Fire Prevention and Building Codes.
13. The Applicant shall pay the Village of Buchanan application, permit, and review fees as required by the Village Code, as approved by the Village Attorney.
14. In accordance with §90-7 and §211-28 of the Village Code, fees shall be provided by the Applicant to the Village in an amount be established by the Village Administrator be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal and other professional and technical services required for the proper and thorough review of an application.
15. A performance bond and maintenance security, prepared in form, surety and manner of execution to the satisfaction of the Village Attorney, and in the amount to be established by the Planning Board, or alternatively by the Village Consulting Engineer in accordance with the requirements of §167, and §211 of the Village Code, shall be provided to assure the completion of all improvements by a specific date.
16. All signage shall be constructed and installed in conformance with §211-20 of the Zoning Code, and the required permit shall be obtained prior to installation.
17. Provision of landscape maintenance bonds to remain in effect for two years to ensure landscape plantings are established and maintained in a healthy and vigorous growing condition. The extent of the bonds to be determined by the Village Building Inspector and Village Administrator in consultation with the Applicant and in a form satisfactory to the Village Attorney.

CONDITIONS PRIOR TO ISSUANCE OF A TEMPORARY OR PERMANENT
CERTIFICATE OF OCCUPANCY:

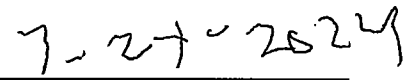
18. As required by §211-32 of the Village Code, submission of as-built building plans and an as-built survey prior to the issuance of any Temporary or Permanent Certificate of Occupancy (C of O). The as-built plans shall be reviewed by the Village Consulting Engineer. Any material change from the site plan approved as part of this RESOLUTION shall require the Applicant to seek an amendment to the Approved Site Plan.

PLANNING BOARD

VILLAGE OF BUCHANAN



Jeffery Faiella, Chairman



Date