

VILLAGE OF BUCHANAN
PLANNING BOARD
JULY 25, 2024

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

ABSENT: Jennifer Bakker

OTHERS: Jim Annicchiarico, Cronin Engineering
Bernard Calabro, Gallon Measure
Brian Calabro, Gallon Measure
Marco Mandra, Architect

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.

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) (Raulindo).

Building Inspector Cook stated that they are still waiting for Fred Cook to camera the lines. Village Engineer Pommer said that in the past with projects like this, the Board has written a letter to the applicant saying that they are in jeopardy of being taken off of the Planning Board agenda and starting the process over. Village Engineer Pommer stated that they have other items to be addressed. Chairman Faiella requested that a letter be sent to them saying that if they don't have anything by next month their case will be abandoned.

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

Chairman Faiella requested that a letter be sent to them saying that if they don't have anything by August 22, 2024 their case will be abandoned. Village Attorney Porteus will send the letter.

Village Engineer Pommer stated that they owe him responses on a few issues. Mr. Zachary stated that he had asked for samples of siding and stone samples and the sidewalk size.

A motion to adjourn the public hearing until August 22, 2024 was made by Ms. Armisto, seconded by Ms. Absenger, with all in favor and Ms. Bakker absent.

CALENDAR NO. 4-2024: Consider a motion to adjourn a Site Plan Application for 3229 Albany Post Road and to Correct Violations on this property through the site plan process. (§43.12-1-2 & 1A Pacific Automotive).

Mr. Annicchiarico stated that he will be meeting with the Building Inspectors to go over the building department issues. They have talked about some of the site plan issues. Village Engineer Pommer stated that he needs to know how they are going to rectify the site plan violations before Hahn Engineering can have comments.

A motion to adjourn this matter until August 22, 2024 was made by Ms. Absenger, seconded by Ms. Armisto, with all in favor and Ms. Bakker absent.

CALENDAR NO. 2-2024: Continued 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 Ms. Absenger, with all in favor and Ms. Bakker absent.

Mr. Annicchiarico stated that since the last meeting they have prepared a response memo and revised plans to the Village Engineer. Village Engineer Pommer submitted additional questions which they will address. They referred the plans to the Fire Department, but have not received a response. Mr. Annicchiarico asked that the photometric plan be waived. All the lighting will be downward facing. Village Planner Smith asked if they specify the actual species of what they are planting and also mentioned that it would nice if they could supply some amenities in the back corner for the residents. Village Planner Smith asked if the parapet on the building could be saved as part of the design. Mr. Mandra stated that with the new portions on the second floor it didn't look correct. Village Planner Smith stated that he felt it was an important element of the original building. Ms. Armisto questioned if it could be incorporated into the Gallon Measure sign. There was a discussion about striping the area coming out of the bay doors, trees, planting beds and a sidewalk. Mr. Zachary stated there are unanswered questions about noise, fumes, and disturbances about vehicles coming in and out at night. Ms. Absenger has an issue with the recreation area being so close to the neighbor. Ms. Armisto stated that if you put the passive recreation area in the back it will be a problem with the neighbor. Village Engineer Pommer questioned since the building is in the right of way does the Village require a hold harmless agreement. Village Attorney Porteus will look into this. Village Engineer Pommer does not see sewer and drainage easements on the plan. They also need to have a handicap parking space. Village Engineer Pommer would like to see the photometric plan to make sure the residents have

adequate lighting. Ms. Absenger asked the Calabro's if they had any deliveries by a tow truck after hours. They responded no.

Tina Zerello, 229 Westchester Avenue, made public comment that this proposal is perfect and is an improvement. She feels the green space should be there.

Barbara Marshall, 226 Rockledge Avenue, made public comment about the two bays on the side of the building might make traffic too congested.

A motion to adjourn the public hearing until August 22, 2024 was made by Chairman Faiella, seconded by Ms. Absenger with all in favor and Ms. Bakker absent.

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

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

Mr. Annicchiarico stated that he submitted a new subdivision plat which showed the 20-foot-wide maintenance and conservation easement over the stream bed. The existing shed will stay where it is, so the surveyor moved the lot line between the two properties to make the set back comply. There were no further comments from the Planning Board. There were no public comments. Village Planner Smith stated that there is a draft resolution which includes some additional information that was recently available. Village Administrator Serrano stated that the Fourth Street property will be a non-conforming piece of property.

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

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

SEE ATTACHED RESOLUTION

NEW BUSINESS:

Discussion of the Village Board Being Lead Agency for the Rezoning of the M-2 District West of Broadway.

Village Planner Smith stated that the Village Board has actively been reviewing the zoning the properties west of Broadway. At the July meeting, they felt comfortable with the draft zoning text and map amendments that were prepared. The first step in the SEQRA process is for the Village Board to declare their intent to act as lead agency. With other zoning map and text amendments there is an automatic referral to your Board for review and recommendation. With this process, the Village Board has issued a notice of intent to other interested and involved

agencies. The purpose is to just inform the Planning Board of the Village Boards intent to act as lead agency. Village Planner Smith suggests that they don't object to the Village Board acting as lead agency. There will be time to review the proposed text and provide comments. There will be a public hearing. The only step the Board is considering right now is that you have received the notice of intent and have no objection to the Village Board acting as lead agency. Village Planner Smith explained that they are putting the zoning in place in the event that Holtec releases a portion of their property to be redeveloped, the Village has said these are the type of uses they would like to see. It is proposed to be rezoned to a Waterfront Development District. Chairman Faiella questioned the pads on the Holtec property. Village Planner Smith said they would be a pre-existing non-conforming use. If property is released, the zoning will be in place that the Village wants to have such as mixed uses, access to the Hudson River and open space. Similar to what you see up and down the Hudson.

By unanimous vote, the Planning Board did not object to the Village Board assuming the role of Lead Agency under SEQRA. The Planning Board indicated that they are still reviewing the documents circulated and has suggested that the Village Board consider having a joint meeting with the Planning Board to review and discuss in more details the actual text of the zoning.

ADJOURNMENT:

At 8:59 PM a Motion to adjourn this meeting was made by Ms. Absenger, seconded by Mr. Zachary, with all in favor and Ms. Bakker absent.

RESOLUTION
Adopted at the July 25, 2024 Meeting of the
Village of Buchanan Planning Board

RESOLUTION: Subdivision

LOCATION: 187 Westchester Avenue & 208 Fourth Street

TAX MAP
DESIGNATION: Section 43.15, Block 1, Lot 4

ZONING: R-20 Single Family Residential

WHEREAS, on or about 6/13/24, representatives of Will Richard (the “Applicant”) did submit an initial application to the Village of Buchanan Planning Board (the “Planning Board”) for Preliminary Subdivision approval for the subdivision of an approximately 0.89 acres of real property located at 187 Westchester Avenue and 208 Fourth Street (the “Subject Site”) in the Village of Buchanan; and

WHEREAS, the Subject Site contains two principal structures whereas, under the Village’s subdivision regulations only one principal use is permitted per lot; and

WHEREAS, the Applicant is also seeking to subdivide the Subject Site into two parcels, one parcel for each principal structure, although one for the residential lots does not meet the minimum 20,000 square foot lot size requirement (the “Non-compliant Lot”) necessitating a request for a variance (the “Proposed Action”); and

WHEREAS, the initial application received by the Planning Board included the following:

1. Cover Letter from Cronin Engineering dated 6/13/24
2. Planning Board Application Package
3. Application fee and escrow
4. Short EAF
5. Property Deed
6. Zoning Board of Appeals Decision and Order
7. Property Survey prepared by Rowan Land Surveying, dated 6/12/24
8. Preliminary Subdivision Plat prepared by Cronin Engineering, dated 6/13/24

WHEREAS, the Applicant did submit a petition to the Village of Buchanan Zoning Board of Appeals (ZBA) and on 5/15/24 the ZBA did grant a variance request allowing for a subdivision of one zoning compliant lot of ±20,033 square feet and a non-compliant lot of ±18,989 square feet; and

WHEREAS, on or about 7/11/24 the Planning Board did receive the following from the Applicant:

1. Cover letter from Cronin Engineering dated 7/11/24
2. Revised Subdivision Plat prepared by Cronin Engineering revised 7/10/24

WHEREAS, the Applicant did appear at the Planning Board's 6/27/24 regular meeting and on 7/25/24 a public hearing was opened in which all member of the public were provided an opportunity to be heard and were and the public hearing was subsequently closed; and

WHEREAS, the Planning Board after a thorough review of the Application and pursuant to §83-11 of the Village Code did classify the Proposed Action as an Unlisted Action under SEQRA; and

WHEREAS, the Planning Board has received and reviewed a technical review memo from the Village Engineer dated 7/24/24; 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. Requested, received and reviewed a Short Environmental Assessment Form;
4. Held a duly noticed public hearing; and
5. Considered the factors set forth in Village Code Chapter 171 Subdivision of Land and Chapter 211 Zoning.

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 having reviewed the entirety of the environmental record determines that the Proposed Action will not have a negative impact on the environment and issues a determination of non-significance under SEQRA; and, be if further

RESOLVED, that with respect to the Non-Compliant Lot, any proposed improvements or additions to the existing structure will be subject to §211-36 of the Village Code; and, be it further

RESOLVED, that prior to signing of the Plat the Applicant shall provide documentation sufficient in form and substance that the list of items in the Village Engineer's 7/24/24 correspondence have been incorporated onto the plat or otherwise addressed; and, be it further

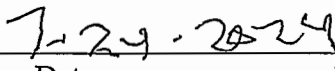
RESOLVED, that said Application is hereby granted approval and the Applicant may obtain the endorsed approval of the Planning Board Chair on a copy of this resolution and upon the preliminary subdivision plat subject to conditions and modifications identified below:

1. The Applicant shall pay to the Village of Buchanan any outstanding professional review fees in accordance with §211-28.D. of the Village Code.
2. This conditional approval of the Preliminary Subdivision application shall expire on 10/23/24, 90 days of the date of the Planning Board's resolution granting such approval, if said subdivision plat has not been filed in the office of the County Clerk.

PLANNING BOARD
VILLAGE OF BUCHANAN



Jeffery Favella, Chairman



Date