

VILLAGE OF BUCHANAN
PLANNING BOARD
DECEMBER 18, 2024

PRESENT: Jeffrey Faiella, Chairman
Tracey Armisto
Kieran Outhouse (via zoom)
Nicolas Zachary
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney (via zoom)
George Pommer, Village Engineer (via zoom)
David Smith, Village Planner
Cindy Kempter, Village Clerk, Treasurer
Sharon Murphy, Deputy Village Clerk
Dominic Evangelista, Deputy Treasurer

ABSENT: Eileen Absenger

OTHERS: John Lentini – Architect for Capstone Contracting Corp.
Adam Garber, Capstone Contracting Corp.
Dimitri Vourliotus – owner of 300 White Street
Anthony Carbone, Village Square
Pasqualino Carbone, Village Square

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:

October 24, 2024 Planning Board Minutes

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

OLD BUSINESS:

CALENDAR NO. 6-2024: Continued Public Hearing for a Change of Use, Special Permit and Site Plan Approval for Construction Materials and Vehicle Storage, Commercial Vehicle & Equipment Repair for 300 White Street (§43.16-3-6) (Capstone Contracting Corp).

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

Mr. Lentini stated that they have been working towards the finished site plan, but there are a few open items. Village Engineer Pommer stated that the open items include the trailer that is on site. They need to confirm with the building department that the trailer has a permit and if not, get a permit or have it removed. There are a number of utilities on the site and the Village has an easement on the site. The locations of all these need to be confirmed. We want to locate as many pipes and sizes as we can. We don't have a layout for three of the buildings. Mr. Lentini will give the Village as much information as he can. Mr. Lentini said that the previous owner was told they did not need a permit for the trailer, so the new owners will file for one. Mr. Lentini discovered that a phase two environmental was previously performed. They had a professional mark out company come and mark out in colors various items. Mr. Lentini will provide a drawing as accurately as possible. The change of use would require a code review on maximum path of travel for the exits, fire ratings that may be required and maximum fire compartmentation distance. Mr. Lentini did a brief review and doesn't see any problems. Village Planner Smith asked Village Engineer Pommer if he is comfortable with the amount of progress that has been made and that the remaining items discussed tonight can be adequately addressed in short order. Village Engineer Pommer replied yes. Village Planner Smith stated that based on his review of his last meeting with the applicant, and reviewing the recording and notes, he has circulated to the Planning Board a resolution for approval. It reflects recent conversations with the fire department. The fire department suggested renumbering the buildings to make it easier for first responders to adequately identify the building in question. Mr. Dimitri Vourliotus stated that he spoke with the Town Assessor and they would like building 16 to have a C next to it. There will be a Building 13, a Building 16A, a Building 16B and a Building 16C. Village Planner Smith stated that this is a condition in the resolution. Mr. Zachary questioned if the trailer that is on the property is just a break room and is there any other suitable place for a break room. Mr. Lentini replied that it is just a place for the employees to eat. Mr. Zachary questioned if we received a pollution protection plan and a safety practices plan. Mr. Lentini stated that he supplied the plan. Village Planner Smith stated that it is condition number 4 in the resolution. The building inspector still needs to sign off on this. Mr. Zachary questioned the purpose of the aerial drone image. Mr. Lentini replied that it shows the extent of wires around the site. Mr. Zachary questioned if the road coming into the site is a permanent easement from Con Edison. Mr. Zachary asked who is responsible for snow plowing. Village Engineer Pommer said that White Street ends under the power lines and that is where

the Con Ed easement takes over. Village Planner Smith suggested that a condition prior to issuance of the building permit will be condition number 17 that will state that the applicant will provide signage that delineates where White Street officially ends and the easement that allows access to the subject site begins.

There were no public comments.

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

A motion to adopt the Resolution as drafted with the changes from Village Engineer Pommer and Village Planner Smith was made by Mr. Zachary, seconded by Ms. Armisto with all in favor and Ms. Absenger absent.

SEE RESOLUTION ATTACHED.

Ms. Tracey Armisto recused herself from the Carbone application and left the meeting at 7:34 P.M.

NEW BUSINESS:

CALENDAR NO. 7-2024: Request for an Extension of Six (6) Months from January 26, 2025 to extend Special Permit, Site Plan, Wetlands, Steep Slopes & Preliminary Subdivision Plat Approval. §43.20-2-6) (Village Square – Carbone Brothers 3095 LLC-3095 Albany Post Road).

Mr. Anthony Carbone introduced his son, Pasqualino Carbone. Mr. Pasqualino Carbone stated that they received approvals from the Planning Board on a resolution dated January 26, 2024. Village Engineer Pommer and Mr. Mastromonaco are finishing up some final touches on the engineering side. NYS Department of Transportation gave them permission for Stage I and Kimley-Horn is proceeding with Stage 2 and Stage 3. They need a little bit more time to wrap these things up. Mr. Anthony Carbone stated that they are waiting for the site plan to be finalized and then they will get the bonding. Village Administrator Serrano stated that they have a meeting tomorrow with Village Engineer Pommer, Mr. Mastromonaco and the Carbone's to go over the last remaining items. Hopefully, they can get this resolved in the next couple of weeks.

A motion to approve a 90-day extension was made by Mr. Zachary, seconded by Mr. Outhouse, with Chairman Faiella in favor and Ms. Absenger and Ms. Armisto absent.

ADJOURNMENT:

At 7:39 PM a Motion to adjourn this meeting was made by Mr. Outhouse, seconded by Mr. Zachary, with Chairman Faiella in favor and Ms. Absenger and Ms. Armisto absent.

RESOLUTION
Adopted at the December 18, 2024, Meeting of the
Village of Buchanan Planning Board

RESOLUTION: CHANGE OF USE, SPECIAL PERMIT AND SITE PLAN APPROVAL
PROPOSED: Construction material and vehicle storage, commercial vehicle and equipment repair
LOCATION: 300 White Street
TAX MAP
DESIGNATION: Section 43.16-Block 3 Lot 6
ZONING: M-1 Light Industrial District

WHEREAS, on or about 9/3/24, representatives of Capstone Contracting Corp. (the “Applicant”) did submit an initial application to the Village of Buchanan Planning Board (the “Planning Board”) for change of use, Special Permit and Site Plan approval for the development of approximately 2.6 acres of real property located at 300 White Street (the “Subject Site”) in the Village of Buchanan; and

WHEREAS, the Subject Site consists of four existing buildings shown on the submitted site plan as Buildings #13 (approximately 5,712 s.f.), Building #16 (approximately 7,166 s.f.), Building #16A (approximately 8,000 s.f.) and Building #16B (approximately 4,096 s.f.) supported by 22 at grade parking spaces; and

WHEREAS, the Applicant seeks to reuse the Subject Site for light industrial purposes including a storage facility for construction materials, commercial vehicle and equipment repair and storage of commercial vehicles and equipment, (the “Proposed Project”); and

WHEREAS, the initial submission to the Planning Board included the following:

1. Cover letter from Capstone Contracting Corp, dated 9/3/24
2. Planning Board Application Package dated 9/9/24
3. Application fee and escrow

4. Letter from the property owner C&B Equipment Sales Corp. granting permission for the Applicant to apply for a change of use.
5. Property Survey prepared by Ward Carpenter Engineers used also as conceptual site plan dated 1/12/09; and

WHEREAS, on or about 10/24/24 the Applicant did submit the following to the Planning Board:

1. Email correspondence from John Lentini, Project Architect with preliminary responses to the Village Engineers 10/18/24 review memo
2. Preliminary Site Plan prepared by John A. Lentini, Project Architect, dated 10/21/24
3. Property use overview narrative
4. Building 16 Interior Layout
5. Building 16A Interior Layout
6. Building 16B Interior Layout

WHEREAS, during the course of presenting to the Planning Board at their regular meeting the Planning Board did discuss the Application and the Applicant made the following representations:

1. The Project Site is an ancillary location for the Applicant's main operation located on Long Island;
2. At most four to five of the Applicant's trucks would be on-site for vehicle repair at any one time;
3. With the exception of Item #4 below materials brought to the Subject Site would be stored inside;
4. The existing outdoor storage area associated with Building 16 is the only area on site that would be used for outdoor storage of material;

5. Flammable materials would be stored in fireproof cabinets;
6. Approximately four to five employees would be on-site during a typical business day; and
7. Regular business hours are typically 7:00 AM to 3:30 PM Monday through Friday; and

WHEREAS, the Planning Board on 12/3/24 received the following materials:

- Transmittal letter dated 12/3/24 prepared by John Lentini, Project Architect
- Short Environmental Assessment Form (updated EAF received 12/9/24), dated 11/18/24 signed by John Lentini, Project Architect;
- Pollution Protection and Safety Practices, prepared by Capstone Contracting Corp., dated 11/25/24
- Aerial drone image of the Subject Site, dated 11/15/24
- Updated site plan drawings dated last revised 11/11/24 or as may be subsequently updated; 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 Unlisted under SEQRA; and

WHEREAS, the Planning Board, it's staff and consultants worked with the Applicant on supplementing the initial Application with additional material related to informing the Planning Board and the public with additional information regarding the anticipated impacts of the Proposed Action; and

WHEREAS, the Planning Board is in receipt of the following review memos prepared by James J. Hahn Engineering, P.C. dated 10/18/24, 11/11/24 and 12/17/24; and

WHEREAS, on 10/24/24, the Planning Board opened a public hearing on the Application in which all members of the public were invited to attend and comment on the Application. The public hearing was subsequently closed on 12/18/24; and,

WHEREAS, the site plans were reviewed and comments sought from the Village's Fire Department which were provided by electronic email on 12/15/24 to the Planning Board. The Chief requested that the buildings be renumbered to make it easier for first responders to identify buildings quickly in the event of an emergency; 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 Administrator, 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 211 Zoning Article VI, Article VII Site Development Plan Approval and Article X Special Permit Uses; and

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 entire record as noted above, in relation to the Special Permit, the Planning Board considered the following Special Permit criteria outlined in §211-42.B. and finds that the Proposed Action is consistent with each:

- (1) That all proposed structures, equipment or material are readily accessible to fire and police protection.
- (2) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly

development of adjacent properties in accordance with the zoning classification of such properties.

- (3) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.
- (4) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (5) The impact of the proposed use shall not engender avoidable impacts upon the environment of the site or adjacent lands and that any such impacts will be the minimum necessary to accommodate the proposed use, and further that there shall be the maximum preservation of unique ecological or environmental assets particularly as such effect the value and viability of adjacent areas; 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 addressed. Solid waste disposal will be provided by private carting service; and be it further

RESOLVED, the Planning Board after review of the materials submitted, public comments and recommendations and the EAF has determined that the Proposed Action is an Unlisted Action and with the identified mitigation minimizes environmental impacts to the maximum extent practicable and hereby adopts a determination of no significant impact to the environment pursuant to 6 NYCRR Section 617.11(c) (SEQRA); 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, as represented by the Applicant in writing as part of site plan submissions, during their presentations to the Planning Board, and 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. Documentation, sufficient in form and substance for the Village Engineer that the list of items outlined in the Village Engineer's 12/17/24 correspondence have been incorporated onto the Site Plan drawings or otherwise addressed.
4. Provision to the Village, sufficient in form and substance for the Village Engineer and the Building Inspector: 1) a health and safety plan for each individual building and outdoor storage area to address potential for spills and clean up protocol; and, 2) a specified routing plan to be provided to all drivers operating vehicles that might exceed height limits for local bridges.
5. Dimensions for all buildings shall be provided on the approved site plan drawings.
6. 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.
7. 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.
8. The Applicant shall pay to the Village of Buchanan any outstanding professional review fees in accordance with §211-28.D. of the Village Code.
9. 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.
10. 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:

11. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1-10.
12. 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.
13. The Applicant shall provide building construction drawings documenting full compliance with the New York State Uniform Fire Prevention and Building Codes.
14. 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.
15. 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.
16. 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 §211 of the Village Code, shall be provided to assure the completion of all improvements by a specific date.
15. 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.

This shall include the revised numbering of the existing buildings to respond to the Village of Buchanan's Fire Department request provided as part of their review.

16. The Applicant shall provide to the Building Department the necessary permit for the trailer located adjacent to Building #16 or have the trailer removed from the premises.
17. The Applicant shall install signage that delineates where White Street officially ends and the easement that allows access to the Subject Site begins.

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.

CONDITIONS OF THE SITE PLAN

19. Bulk storage of vehicle and equipment fluids such as, but not limited to fuel, oil, hydraulic fluid shall be limited to Building #16 as shown on the approved site plan.
20. Parking of vehicles shall be limited to designated parking spaces or the interior of Building #16. Parking is prohibited along the access easement.
21. The use of the Subject Site is limited to the operation directly associated with the Applicant. Any use by sub-contractors is prohibited.
22. No use or storage of S-1 hazardous materials as defined by the New York State Building Code shall be allowed on site. There shall be no warehousing of S-2 hazardous materials (as that term is defined by the NYS Building Code) except that the use bottled gas for mechanical and equipment repairs shall be allowed in Building #16 as shown on the approved site plan.

23. The Planning Board has relied upon the information presented on behalf of the Applicant as part of the submission of documents and discussions with the Planning Board at public meetings/hearings, any material change relative to intensity of use or operation as approved by the Planning Board in this Resolution will require the Applicant to present the revised plan to the Planning Board for a site plan amendment.

PLANNING BOARD

VILLAGE OF BUCHANAN

Jeffery Faiella, Chairman