

**VILLAGE OF BUCHANAN RESOLUTION
AUTHORIZING ADOPTION OF LOCAL LAW NO. 3- 2023
AMENDING CHAPTER 211 ENTITLED “ ZONING” AND CHAPTER 203 ENTITLED
“WETLANDS” TO THE CODE OF THE VILLAGE OF BUCHANAN**

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, to hear all interested parties on a proposed Local Law amending Chapter 211 entitled “Zoning” and Chapter 203 entitled “Wetlands” to the Code of the Village of Buchanan; and

WHEREAS, notice of said public hearing was duly advertised in the official local newspaper; and

WHEREAS, said public hearing was duly held at a regularly scheduled meeting of the Village Board on June 6, 2023 at 7:00 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

NOW BE IT THEREFORE RESOLVED that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No.3-2023 amending Chapters 211 and 203 of the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the Village Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Buchanan, and to give due notice of the adoption of said local law to the Secretary of State of the State of New York.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker _____

Trustee Anthony Capicotti _____

Trustee Steve Laker _____

Trustee Dan Stewart _____

Trustee Robert Wheeler _____

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 3 OF THE YEAR 2023
AMENDING CHAPTER 211 ENTITLED ZONING AND CHAPTER 203 ENTITLED
WETLANDS TO THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following subdivision “F” shall be added to Chapter 211.24.1 of the Village Zoning Code to read as follows:

§211.24.1- C-1/C-2 Overlay District

F.

Notwithstanding anything to the contrary contained herein, in the C-1/C-2 Overlay District, the Board of Trustees shall be the approving agency for special permits and site development plans for uses listed in the "Schedule of Use Regulations, § 211-10 Column 3A Uses by Special Permit of the Board of Trustees" in which case the same requirements and procedures set forth in this chapter for the Planning Board shall be applicable to the Board of Trustees. Any application to the Board of Trustees made pursuant to this section shall be referred to the Planning Board for its recommendation to the Board of Trustees prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of such referral, the Board of Trustees may act without such report. If the Planning Board recommends against the proposed special permit and/or site development plan, the Board of Trustees shall not act contrary to such recommendation, except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section Two: Section 211-10 “Schedule of Use Regulations” Attachment 1 shall be amended to read as follows:

Column 3A entitled “Uses by Special Permit of the Board of Trustees” shall be added to read as follows:

One and two-bedroom multifamily apartment dwellings on parcels of land not less than 4 acres, provided that each dwelling unit contains a minimum of 750 square feet with a maximum of 28 units per 40,000 square feet (prorated), and that the building height does not exceed 65 feet and 5 stories, subject to compliance with 211-24.1. Notwithstanding the above, at the sole discretion of the Village Board, a number of dwelling units not exceeding 20% of the total, may be three-bedroom units.

Column 5 entitled “Minimum Off-Street Parking Spaces” shall be amended to read as follows:

Same as C-2, except for multifamily apartment dwellings on parcels of land not less than 4 acres; 1.5 parking spaces per dwelling unit.

Section Three: Section 211-7 entitled “Zoning Map” shall be amended to rezone the portion of the unimproved property located on Albany Post Road, designated on the tax map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2 located in the M-1 Light Industrial District to the C-2 General Commercial District and C-1/C-2 Overlay Zoning District.

Section Four: § 203-10 “Applicability; more restrictive standards to apply” shall be amended to read as follows:

A. The requirements of this chapter shall not apply to any work shown on construction drawings or improvement plans for subdivisions or site plans approved by said Planning Board or the Village Board of Trustees, as applicable.

Section Five: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.