

ZONING BOARD OF APPEALS  
VILLAGE OF BUCHANAN  
SEPTEMBER 9, 2020

PRESENT: Gary Bell, Chairman  
Marco Pinque  
Ed Mevec  
Mary Funchion  
Rosemary Martin, Secretary  
Building Inspector Anthony Conte

OTHERS: Marcus Serrano, Village Administrator  
David Garcia, Attorney for Brian Calabro  
Brian Calabro  
David Gomez

CALL TO ORDER:

Chairman Gary Bell led the Board members in the Pledge of Allegiance. Chairman Bell called the meeting of the Zoning Board of Appeals to order at 7:00 p.m. on September 9, 2020. This meeting was done via zoom and zoom audio and is being conducted in accordance with Executive Order 202.1.

Please note that you may hear the meeting live by going to the Village Facebook page at the time of the meeting.

APPROVAL OF MINUTES:

Marco Pinque, seconded by Ed Mevec, with all in favor, made a motion to approve the minutes of August 12, 2020 as written. Motion carried.

CALENDAR NO. 2-20-BZ: VARIANCE FROM THE REQUIREMENT OF SECTION 211-19-1 a AND 211-21-c AS WELL AS AN ACCESSORY STRUCTURE AND FENCE FOR PROPERTY LOCATED AT 215 CATHERINE STREET (KEVIN ARASIM)

Kevin Arasim of 215 Catherine Street was not at this meeting. This will be carried over to the next meeting. It was noted that this is the second month the applicant failed to attend the meeting. The secretary was asked to send him an email asking him to confirm that he is still interested in going forward with this application, followed by a telephone call. He will be asked to attend the next meeting on Wednesday October 14, 2020.

appropriate. His opinion was there would be no adverse effect on the community or the neighborhood.

The board members received a memo from Village Attorney Porteus. Chairman Bell said basically we are going to go to the Village Board and have a joint meeting with them to discuss this.

This applicant has been before the zoning board on other occasions. He had requested a variance from front yard setback requirements. The Board advised him they could not grant a variance to enlarge a pre-existing non-conforming structure according to section 211-37 of the zoning code. They are seeking an interpretation of the Code as it relates to unique properties and, in this specific instance, the intent of front yard setback requirements. The house sits back from the road 30 feet yet only 15 of that is measured from the property line to the structure. If the Zoning Board interpreted the code including the 15 foot setback from the road to the actual property line, the application could be approved. It would require an interpretation of the meaning and purpose of the village code with respect to setback requirements.

David Gomez of 233 Travis Avenue lives catty-corner across the street. Mr. Calabro received a text from Mr. Gomez asking why they have to go to the village board. He was advised that if the Zoning Board acted on the application now the interpretation would be denied. So we are giving him another chance and another way to get around this. Mr. Gomez was watching the meeting on Facebook live and he was advised the zoning board will have a joint meeting with the village board to get their input.

Since there are still unresolved issues the zoning board will adjourn the public hearing and continue it on October 14, 2020. Ed Mevec moved to keep the public hearing open until October 14, 2020, seconded by Mary Funchion, with all in favor. Motion carried.

Village Administrator Serrano advised that Village Attorney Porteus can have a zoom meeting with the Village Board. Mr. Garcia thanked the board for this consideration. Village Administrator Serrano explained we could have a meeting about this but we can't do it all together because you have to make it a public meeting with everybody involved.

States have an open meetings law to ensure that all business of the local government is transparent and adequate notice is given so the public can attend meetings where business is discussed.

Statutes for open meetings apply to all meetings held by all public bodies. Therefore to avoid having actions challenged on the basis of an Open Meetings Act violation, the Board should give adequate notice of all meetings, even for site visits to review subject properties for rezoning requests.

## ADJOURNMENT:

Chairman Bell hoped the zoom meetings would come to an end. Marcus Serrano explained what would be involved before an in-person meeting could take place. As part of the governor's order there is an option to meet live following the agency's guidelines including disinfecting, contact tracing and temperature taking.

Marco Pinque, seconded by Ed Mevec, with all in favor, made a motion to close the meeting at 7:40 p.m. Motion carried. The next meeting is October 14, 2020.

Respectfully submitted,

Rosemary Martin, Secretary