

ZONING BOARD OF APPEALS
VILLAGE OF BUCHANAN
JANUARY 13, 2021

PRESENT: Gary Bell, Chairman
Marco Pinque
Ed Mevec
Mary Funchion
Harmen Bakker
Rosemary Martin, Secretary
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
Cindy Kempter, Village Clerk

OTHERS: Brian Calabro
Laura Juliano

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 January 13, 2021. 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:

Mary Funchion, seconded by Ed Mevec, with all in favor, made a motion to approve the minutes of December 9, 2020, as written. Motion carried.

CALENDAR NO. 1-20-BZ: CONTINUATION OF PUBLIC HEARING FOR AN INTERPRETATION OF THE ZONING LOCAL LAW OR ZONING MAP FOR PROPERTY LOCATED AT 226 TRAVIS AVENUE. (BRIAN CALABRO)

Chairman Bell advised there was discussion with Mr. Calabro's attorney, David Garcia concerning the withdrawal of Mr. Calabro's application to the Zoning Board for interpretation of the zoning law.

The Zoning Board accepted the withdrawal of the application of Brian Calabro of 226 Travis Ave on a motion by Marco Pinque, seconded by Mary Funchion, with Ed Mevec and Chairman Bell in favor, and Harmen Bakker abstained. Motion carried.

Village attorney Porteus will inform council of the Board's actions.

CALENDAR NO. 5-20-BZ: CONTINUATION OF PUBLIC HEARING FOR LOT
COVERAGE VARIANCE FOR IN GROUND SWIMMING POOL ON PROPERTY
LOCATED AT 171 CORTLANDT STREET (JAIME LEON)

Chairman Bell learned today that Mr. Leon would like to hold this over until the next meeting so he can hire an engineer. Village engineer Pommer requested that Mr. Leon's engineer sign off on the plan.

On a motion by Marco Pinque, seconded by Ed Mevec, with all in favor, this will be adjourned and continued at the February 10th meeting. It had been mentioned that Village Engineer Pommer was going to walk the property. Village attorney Porteus noted that Village Engineer Pommer is out ill and has no plans to inspect the property.

Village Administrator Serrano advised there is a copy of the local law that the Village Board adopted. They adopted local law number 1 amending chapter 211 entitled zoning to the code, Section 211-17 a (1) (2) and (3). The Zoning Board may benefit from these changes to the local law. Village attorney Porteus encouraged everyone to read the law.

Laura Juliano was on the Zoom call. She lives at 173 Cortlandt Street and expressed her concern that approval of the variance would greatly impact her and the other neighbors on both sides. She noted her concerns in a letter emailed on January 13, 2021.

When Mr. Leon built on his lot, he was allowed to raise his property 18 inches and so their property was flooded. She and her husband are concerned about flooding again when the ground is disturbed and altered to build the proposed pool and gazebo.

She addressed her uneasiness to former building inspector Barbara Miller that Mr. Leon had raised the area higher. She also spoke with Village trustee Zachary and nothing came of it. Mr. Leon built a wall. There are some parts of the wall coming loose. What will happen to the water? She was advised that Mr. Leon's engineer will have to investigate this.

GENERAL DISCUSSION

Village administrator Serrano reported that the Village board is considering an overlay district. He asked the board members if they had any concerns or questions to send those questions to him.

Village Attorney Porteus revealed that the section of the code that allows for variances has been updated. If the footprint of the building is not being altered, the Zoning board may grant a variance of up to 20% from the 30 foot requirement of Subsection 2, regarding side yard exemptions for preexisting non-conforming buildings.

Village Attorney Porteus advised the Board that granting a variance sets a precedent, especially when it is a large variance.

ADJOURNMENT:

Ed Mevec seconded by Marco Pinque, with all in favor, made a motion to close the meeting at 7:30 pm. Motion carried. The next meeting will be February 10, 2021 at 7:00 pm.

Respectfully submitted,

Rosemary Martin, Secretary