

VILLAGE OF BUCHANAN
ZONING BOARD
MARCH 13, 2024

PRESENT: Chairman Gary Bell
Members Harmen Bakker, Mary Funchion, Ed Mevec, Marco Pinque
Village Administrator Marcus Serrano
Village Attorney, Stephanie Porteus
Village Clerk, Treasurer Cindy Kempter
Building Inspector Peter Cook
Deputy Village Clerk, Sharon Murphy

OTHERS: Mr. Jorge Hernandez, RA, President of ARQ Architecture P.C. for
3176 Albany Post Road
Bernard Calabro and Brian Calabro for 3106 Albany Post Road

CALL TO ORDER:

Chairman Gary Bell called the meeting of the Zoning Board to order at 7:00 P.M. He led the Pledge of Allegiance. Chairman Bell informed every one of the fire regulations.

APPROVAL OF MINUTES: A motion to approve the February 14, 2024 minutes as presented was made by Mr. Pinque, seconded by Mr. Mevec with all in favor.

OLD BUSINESS:

Calendar No. 01-2024-ZBA – §43.16-2.11, Continuation of a Public Hearing for an Area Variance for 3176 Albany Post Road (Raulindo)

A motion to open the public hearing was made by Mrs. Funchion, seconded by Mr. Bakker with all in favor.

Mr. Hernandez stated that the property was staked out. Mr. Hernandez requested an interpretation of 211-17 A.2. that if there are more than 30 feet on each side yard that the Board can grant the variance. Village Attorney Porteus said that is correct. There were no public comments. Chairman Bell said it will be good for the community to have the building refurbished. Mr. Bakker stated it would be nice to stay within the code, but he understands the architectural view of it plus the loss of the square footage. Village Administrator Serrano said that if this variance is granted they still have to go to the Planning Board for site plan. Mr. Hernandez said that the angle of the building is not parallel to the property line. Mr. Hernandez said they are proposing 3.83' where 5' is required. There will be a sidewalk down White Street around to Albany Post Road. They are adding about 170 linear feet of sidewalk.

A motion to close the public hearing was made by Mr. Pinque, seconded by Mr. Mevec, with all in favor.

A motion to approve the variance at 3176 Albany Post Road for a side yard variance from 5 feet down to 3.83 feet for the proposed addition was made by Mr. Pinque, seconded by Mrs. Funchion with all in favor.

ZONING BOARD OF APPEALS

Westchester County, New York

DECISION & ORDER

Petitioner(s): RAULINDO SARMIENTO

File No.: 1-2024- ZBA

Address: 3212 Albany Post Road, Buchanan, NY 10511

Public Hearing Date(s): 3/13/2024

Property Location: 3176 Albany Post Road, Buchanan, NY 10511

Tax Map Designation: Section: **43.16** Block: 2 Lot: **11**

Present Zoning District: **R-7.5**

Nature of Petition:

[] Use Variance [**X**] Area Variance
[] Special Permit [] Interpretation [] Other

Describe Specific Request:

Applicant requests one (1) area variance (side yard) for and addition/enlargement to a preexisting, nonconforming building.

The above referred to Petition, having been duly advertised in The Journal News, the official newspaper of the Village of Buchanan, and the matter having duly come to be heard before a duly convened meeting of the Board on the above dates, at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all of the facts, matters and evidence produced by the Petitioner(s), by Village officials and by interested parties having been duly heard, received and considered, and due deliberation having been had thereon, including hearing testimony from the applicant which indicated that he was unable to build an addition without the requested side yard variance from five (5') feet to three feet (3.83').

During the public hearing, the Zoning Board discussed Village Code sections 211-39(B), 211-37 and 211-17A and testimony from the applicant's consultant indicating that all of the requirements of the applicable Village Code sections were being complied with, including but not limited to, Code section 211-17 A(2) with the applicant's consultant advising that the requested side yard variance would not result in less than 30 feet from the buildings on each side of the subject building.

The following Decision and Order is hereby made by this Board

The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, and in addition to considering Village Code section 211-39 (B) the Board took into consideration Village Code section 211-37 entitled "Nonconforming buildings" and Village Code section 211-17, entitled "Permitted variations from required bulk regulations" and makes the following findings:

1. The request for a side yard variance from five (5') feet to three feet (3.83') complies with all relevant Village Code sections, including Village Code section 211-17 entitled "Permitted variations from required bulk regulations".
2. The requested side yard variance from five (5') feet to three feet (3.83') complies with Village Code section 211-17 A (2), which mandates that in the case of a side yard exception for preexisting nonconforming buildings, in no event shall there be less than 30 feet between the two buildings on the side of the building or structure being expanded.

Applicant is GRANTED the following variances:

1. Side yard variance from 5' to 3.83' for the proposed addition.

This is a Type II action under SEQRA with no further compliance required.

NOW, THEREFORE, the Petition herein is granted as recited above, and it is further ordered that in all other respects Petitioner(s) comply with all of the rules, regulations and ordinances of the Village of Buchanan, the Building Department, the Village Engineer, and all other agencies having jurisdiction thereof.

Date Filed: March 13, 2024

GARY BELL, Chairman
Zoning Board of Appeals

NEW BUSINESS:

Calendar No. 03-2024-ZBA – §43.15-1.14 Application for Seeking Relief from §211-15 Side Yard Setback for 3106 Albany Post Road (Gallon Measure)

Bernard Calabro is asking for relief from the side yard set back due to the Gallon Measure being built over the property line. They want to renovate the building for better functionality and add three apartments on top. Mr. Cook explained the original plan was for four apartments but because of NYS ADA requirements the fourth apartment does not work into the square footage. They need a variance before they go in front of the Planning Board. The building is on an angle to Rockledge Avenue and the property line. The front corner of the building is 3.4 feet past the property line. They want to renovate the first-floor garage bay to have a taller door to make the bay functional for larger vehicles. Mr. Pinque clarified that the two bays in the front will now be one bay. There will be two bays on the side and two bays in the rear.

A motion to call for a public hearing on April 10, 2024 was made by Mr. Mevec, seconded by Mrs. Funchion with all in favor.

ADJOURNMENT:

The meeting was adjourned at 7:26 P.M. on a motion Mr. Pinque, seconded by Mr. Mevec, with all in favor.