

VILLAGE OF BUCHANAN  
ZONING BOARD  
APRIL 10, 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: Jim Annicchiarico, Cronin Engineering  
Bernard Calabro for 3106 Albany Post Road  
Marco Mandra, Architect

**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 March 13, 2024 minutes as presented was made by Mr. Pinque, seconded by Mrs. Funchion with all in favor.

**OLD BUSINESS:**

Calendar No. 03-2024-ZBA – §43.20-1-22. Public Hearing for Seeking Relief From §211-45 Side Yard Setback for 3106 Albany Post Road (Gallon Measure)

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

Mr. Annicchiarico explained that they are proposing to renovate the existing building and add a second story with three apartments and an additional bay or two on the first floor. The building currently crosses over the property line slightly in the southeast corner. The expansion will happen on the northside of the building. They are not expanding any further into the right of way but are asking to go directly above on that corner. They are asking for a variance that allows the existing building to be expanded up. It is a very minimal variance. Mr. Pinque asked the history of the Gallon Measure. Mr. Calabro stated that it is roughly 100 years old. Mr. Annicchiarico explained that the corner of the building sits 3.4 feet over the line and then it eventually goes to the line and then back into the property. Mr. Annicchiarico

explained that there will be an extension of the building to the west that will be two garage bays and an extension of the building to the north that will allow them to build the apartments to make them large enough to meet the minimum requirements.

Carol Keenan, 245 Catherine Street, asked when the meeting will be to approve the plans. The response was that the plans will go to the Planning Board for approval.

Pauola Chacon-Paul, 3109 Albany Post Road, made public comment that there is nothing wrong with giving the Gallon Measure this variance.

Robert Stavis, 239 Catherine Street, asked what the separation is from the property line to the townhouses. Mr. Annicchiarico stated that there is 30.8 feet separation.

Mrs. Funchion asked about the responses for the green cards. Chairman Bell replied that Sharon Murphy has the green cards that have been received back.

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

A motion to approve the area variance requested by the Gallon Measure according to the dimensions that are requested in the application was made by Mr. Mevec, seconded by Mr. Bakker, with all in favor.

**VILLAGE OF BUCHANAN**  
**ZONING BOARD OF APPEALS**

**Westchester County, New York**

**DECISION & ORDER**

Petitioner(s): GALLON MEASURE (Calabro)

File No.: 3-2024- ZBA

Address: 3106 Albany Post Road, Buchanan, NY 10511

Public Hearing Date(s): 4/10/2024

Property Location: 3106 Albany Post Road, Buchanan, NY 10511

Tax Map Designation: Section: **43.20** Block: **1** Lot: **22**

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, 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 to increase the height of the building which encroaches onto the Village right-of-way by three feet four inches (3'4").

During the public hearing, the Zoning Board heard comments from the public and thereafter discussed Village Code sections 211-39(B), 211-37 and 211-17A as well as 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 for the construction of a second story on a pre-existing non-conforming building which encroaches onto the Village right-of-way by three feet four inches (3'4") complies with all relevant Village Code sections, including Village Code section 211-17 entitled "Permitted variations from required bulk regulations".
2. More specifically, the requested side yard variance for the construction of a second story on a preexisting non-conforming building complies with Village Code section 211-17 A (2), which mandates that in the case of a side yard exception for enlargement of a preexisting non-conforming 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 variance:**

- 1. Side yard variance for construction of a second story 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.

**NEW BUSINESS:**

**Calendar No. 04-2024-ZBA – §43.15-1-4. Request for an Area Variance for Lot Size  
Subdivision for 187 Westchester Avenue & 208 Fourth Street**

Mr. Annicchiarico is representing the applicant, Will Richard, in regards to an area variance for lot size. They are seeking to sub divide the property. The property currently has two existing single-family homes on it. Mr. Richard is looking to sell the two houses separately. The lot is 39,000 sq. feet, but is in the R20 zone which requires 20,000 square feet. They are proposing to create one lot which is just over 20,000 sq. ft. and the other lot will be 18,214 sq.

ft. Both houses have separate utilities and separate driveways. They meet all the front yard, rear yard and side yard requirements. They are looking for the ability to create the one lot that is slightly sub-standard as the zone requires. The lot on 187 Westchester Avenue will be 20,799 sq. ft. and the lot on 208 Fourth Street will be 18,214 sq. ft. Chairman Bell stated that by creating a sub-standard lot, the person buying that lot will not be able to do anything without coming back to the Zoning Board for a variance. Village Attorney Porteus stated that this needs to be stated in the deed. Mr. Cook explained that the Village gave permission in the early 1980's to have that house erected in order for a relative to live there. Mr. Bakker suggested the applicant look into purchasing a small piece of adjacent land in order to have the 20,000 sq. ft. needed. Mr. Annicchiarico stated that the people currently living at 208 Fourth Street want to purchase that house.

A motion to call for a public hearing for an area variance on May 15, 2024 was made by Mr. Mevec, seconded by Mr. Bakker, with all in favor.

ADJOURNMENT:

The meeting was adjourned at 7:48 P.M. on a motion Mr. Pinque, seconded by Mr. Mevec, with all in favor.