

VILLAGE OF BUCHANAN
ZONING BOARD
JUNE 26, 2024

PRESENT: Chairman Gary Bell
Members Mary Funchion, Ed Mevec, Marco Pinque
Village Administrator Marcus Serrano
Village Planner David Smith
Village Clerk, Treasurer Cindy Kempter
Deputy Clerk Sharon Murphy
Building Inspector Peter Cook

ABSENT: Village Attorney, Stephanie Porteus
Harmen Bakker

OTHERS: Jim Annicchiarico, Cronin Engineering
Anne Kline, Associate at DelBello Donnellan Weingarten Wise & Wiederkehr
Kevin Masciovecchio, JMC, PLLC

CALL TO ORDER:

Chairman Gary Bell called the meeting of the Zoning Board to order at 7:05 P.M. He led the Pledge of Allegiance and informed every one of the fire regulations.

APPROVAL OF MINUTES: A motion to approve the May 16, 2024 minutes as presented was made by Mrs. Funchion, seconded by Mr. Mevec with all in favor.

OLD BUSINESS:

Calendar No. 05-2024-ZBA – §43.20-1-22 Seeking a Variance for Minimum Lot Size Required for Apartment Dwellings Over a Commercial Establishment (Gallon Measure)

Mr. Annicchiarico explained that they are in the C1/C2 zoning district. When Village Planner Smith did his review memo for the Planning Board application, he noted that minimum lot size was 20,000 square feet for residential units over a commercial establishment. The lot is just under 16,300 square feet. They are proposing three units above the commercial business. They meet all the other requirements. The code states that each dwelling unit should contain a minimum of 750 square feet and a maximum of eight dwelling units per 40,000 square feet. It does say prorated in the code. Mr. Annicchiarico feels they meet the spirit of the code because that would require 5,000 square feet per unit and they have about 5,400 square feet per unit. Mrs. Funchion asked if a variance is granted will this be another non-conforming property? Village Planner Smith replied that is already non-conforming. He explained that

when he did an evaluation for the Planning Board, he tried to look at the spirit and intent of the code. The applicant initially looked at the C1, not applying the C1/C2 overlay. If you look at the language in the C1 district you are allowed four units per acre, so they didn't have enough coverage. If you look at the overlay, it allows for 20,000 square feet minimum lot size, but then it says you are allowed a maximum of eight dwelling units for 40,000 square feet. They are within that density range. They are not getting additional density, it is just the size of the lot that is in question.

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

Calendar No. 06-2024-ZBA – §43.16-3-16 & 16a & §43.20-2-2 Application for a Single Area Variance to Increase the Maximum Permitted Heights of a Fence in the Side Yard (AMS).

Ms. Kline explained that this is for a property located on the east side of Albany Post Road and southeast corner on Craft Lane. It is approximately 5.96 acres and is currently undeveloped and is in the C2 district and the C1/C2 overlay. It is owned by Buchanan Dev AMS LLC. They have worked extensively with the Village Board and a lot of time and effort has gone into perfecting this project. In March, the Board of Trustees granted a special permit, site development plan and steep slope disturbance approvals for the development of a multi-family apartment building. It consists of 148 dwelling units and 223 parking spaces. During the site plan review, the applicant was required to grant an access easement to the Buchanan Home Center at 3119 Albany Post Road. There is an existing gravel area behind the home center building that they use for their mechanicals. Adjacent to that, AMS has created an area to put their mechanicals for the project. In order to properly screen the mechanicals from each other, a ten-foot fence is needed to provide proper screening between properties. This is a variance from Chapter 211-21 C (1) of the zoning code to permit an increase in the height of the fence from six feet to ten feet. The 100 foot fence will be located between the two properties. You can't see it from Albany Post Road. There is a letter of support from the home center property that they believe it is the proper size fence for the screening, they have no objection to and are in favor of this fence. It will be a four-foot retaining wall with a six-foot wooden fence on top of the wall. Ms. Kline stated that it is their opinion that the benefit to the applicant and the adjacent home center property and being able to properly screen the mechanicals from each other outweighs any detriment to the community. They argue that there is no detriment because no one else other than the two properties will be able to see the fence. Mr. Masciovecchio showed a section of what the stone wall and fence would look like and the plan of where the fence would be located on the property.

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

ADJOURNMENT:

The meeting was adjourned at 7:42 P.M. on a motion Mr. Pinque, seconded by Mr. Mevec, with all in favor.