

VILLAGE OF BUCHANAN
ZONING BOARD
JULY 10, 2024

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

ABSENT: Village Clerk, Treasurer Cindy Kempter
Harmen Bakker

OTHERS: Jim Annicchiarico, Cronin Engineering
Diana Kolev, Partner 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 7:00 P.M. He led the Pledge of Allegiance and informed every one of the fire regulations.

EXECUTIVE SESSION:

At 7:03 P.M. A motion to go into Executive Session for Advice of Counsel was made by Mr. Pinque, seconded by Mr. Mevec, with all in favor and Mr. Bakker absent.

At 7:16 P.M. A motion to come out of Executive Session was made by Mr. Bell, seconded by Mrs. Funchion, with all in favor and Mr. Bakker absent.

APPROVAL OF MINUTES: A motion to approve the June 26, 2024 minutes as presented was made by Mr. Mevec, seconded by Mrs. Funchion with all in favor, and Mr. Baker absent.

OLD BUSINESS:

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

A motion to open the public hearing was made by Mr. Pinque, seconded by Mr. Mevec with all in favor and Mr. Bakker absent. Mr. Bell stated that the green cards have been received.

Mr. Annicchiarico explained that they are seeking a variance for lot size because of the apartments above the commercial establishment. This is a requirement in the C1/C1 overlay district. The lot size is 16,293 square feet and the requirement is 20,000 square feet. There is some ambiguity in the code where it says prorated. It seems that the code was written to have 5,000 square feet per unit and they have about 5,400 square feet per unit. They feel they meet the spirit of the code. Mr. Annicchiarico stated that the Planning Board seems to be in favor of the project. They are in the process of addressing the comments issued by the Village Engineer. Eileen Absenger questioned if there are any other properties that would also need a variance of this sort because it has less square footage than required even though it has more square footage per unit. Mr. Bell said he doesn't know for sure, but probably.

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

A motion to grant the variance was made by Mr. Bell, seconded by Mr. Pinque with all in favor and Mr. Bakker absent.

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

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

Ms. Kolev explained that they are proposing a six-foot fence on top of a four-foot retaining wall along 100 feet of the property line between the AMS property and the Buchanan Hardware Store property. The purpose of the fence is to provide screening for the mechanicals and materials for the project. The hardware store has submitted a letter in support of this application. It is not visible from the road and no impact on anyone from the neighborhood.

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

Mr. Bell stated items that need to be considered. They are found in Chapter 211 Zoning, Article 9 Appeals, 211-39 Variances. There are seven factors that need to be taken into consideration.

- 1) That the variation requested is not substantial in relation to the requirement.

The Board agrees.

- 2) That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.

The Board agrees.

- 3) That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.

The Board agrees.

- 4) That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance.

The Board agrees.

- 5) That the variation would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas.

The Board agrees.

- 6) That the requested variance is the minimum variance necessary to afford relief.

The Board agrees.

- 7) That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

The Board agrees.

A motion to grant the variance was made by Mr. Pinque, seconded by Mrs. Funchion with all in favor and Mr. Bakker absent.

ADJOURNMENT:

The meeting was adjourned at 7:41 P.M. on a motion Mr. Pinque, seconded by Mrs. Funchion, with all in favor and Mr. Bakker absent.