

VILLAGE OF BUCHANAN  
ZONING BOARD  
JANUARY 8, 2025

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

**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.

**APPROVAL OF MINUTES:** A motion to approve the October 9, 2024 minutes as presented was made by Mr. Pinque, seconded by Mr. Bakker with all in favor.

**NEW BUSINESS:**

Calendar No. 01-20254-ZBA Application for variances §43.12-1-2 & 1A (JV Commercial Holdings LLC/Pacific Automotive).

- §211-10 – Schedule of Use Regulations (Mixed Commercial & Residential Use)
- §211-15 – Table of Bulk Regulations (Side Yard Setback)
- §211-15 – Table of Bulk Regulations (Lot Coverage)
- §211-21 – Yard Screening (Fence Height)

Mr. Jim Annicchiarico of Cronin Engineering is representing JV Commercial Holdings LLC located at 3229 Albany Post Road. They submitted the Zoning Board application and fee, the escrow agreement, the short environmental assessment form, property deeds for both properties, the site plan they have been working with the planning board on, a survey of the property, GIS tax parcel viewer maps of various commercial properties that are around this property that will support their request for additional coverage for the lot. Lot 2 is 25,000 square feet and change. The smaller lot to the north (1A) is just over 7,000 square feet. The total is just over 32,000 square feet, about .74 acres of land. Lot 2 has a one-story metal structure which is about 2,750 square feet. There were office trailers on the site which have since been removed. The office has been relocated into the ground floor of the existing

residential dwelling on the site. They are in the M1 light industrial zone which allows auto repair minor and major. They are a diesel repair business. They received some violations one of them being operating without a valid site plan. They have made a request to the Planning Board for site plan approval. They have prepared a submission to the Village Board regarding the lot coverage. They are asking the Board of Trustees to consider changing the maximum allowable coverage in the M1 zone to match what was done for the C1/C2 overlay district which is 75%. Currently the M1 zoning is 50% coverage. Mr. Annicchiarico went over the variances they are requesting. The two-story house is a pre-existing, non-conforming use. By moving the offices into that structure that would cause the pre-existing, non-conforming use to be eliminated. They are asking for relief from that. The second variance is for a side yard setback. There is a one-story metal structure on the east side of the larger metal structure. The side yard setback is 25 feet. The metal building is 6.37 feet off the property line. This is adjacent to the MTA property and you can not see that structure from Albany Post Road. The third variance is for lot coverage. They currently have 70% and the maximum is 50%. They were going to request the Village Board to change it, but they are asking the Zoning Board for relief first. They provided maps of five properties in the M1 zone where it is apparent the coverage is much higher than 50% coverage. The fourth variance is for yard screening. They propose to move the existing 10-foot-high fence on the north side of the entrance to the site closer to the property line.

Mr. Pinque asked who lives in the house now. Mr. Annicchiarico replied that it is one of their mechanics. Chairman Bell asked what the existing fence height is now. Mr. Annicchiarico replied it is 10 feet. Chairman Bell asked how much of the Metro North property are they currently using. Mr. Annicchiarico replied that it is approximately 100 feet by 30 feet. Building Inspector Cook stated that he had met with the engineer from Metro North and were put in contact with the owners of the property. This is not a big concern to Metro North.

A site plan visit will be held on Saturday, February 1, 2025 at 9:00 A.M.

A motion to schedule a public hearing on February 12, 2025 was made by Mrs. Funchion, seconded by Mr. Mevec, with all in favor.

Nick Zachary clarified that the lot coverage requested was going from 50% to 70%. He asked what year did the applicant buy the property. The response was 2020. His main issue has to do with the metal building they are requesting a side yard variance for. That building was put up without a permit. This came up in the Planning Board. Mr. Zachary was outraged that someone could build something without a permit and then apply for a variance for it. This seems like a counterproductive way to operate a Village. He pointed out that all of the guidelines for issuing variances in our code book, both for area and use variances, says that the Board shall take into consideration whether or not the practical difficulty has been created by the owner or his predecessor in title, and the Board shall make each and every one of the following findings. (This comes from Section 211-39 a and b.) Also New York Planning Federation guidelines for use and area variances end with your consideration should include

whether alleged difficulty is self-created. Mr. Zachary said, speaking as a resident, and wanting to see a Village that is well run, thinks it is a bad precedent that someone can put something up illegally. Mr. Zachary stated that the goal of zoning is to bring things more into compliance. The goal is not to give out variances.

**ADJOURNMENT:**

The meeting was adjourned at 7:45 P.M. on a motion by Mr. Pinque, seconded by Mr. Mevec, with all in favor.