

VILLAGE OF BUCHANAN  
PLANNING BOARD  
MAY 20, 2021

PRESENT: Jeffrey Faiella, Chairman  
Tracey Armisto  
Eileen Absenger  
Jennifer Bakker  
Stephanie Porteus, Village Attorney  
Marcus Serrano, Village Administrator  
Victor Minerva, Planning Consultant  
Joseph Ruyack  
George Pommer, Village Engineer  
Peter Cook, Building Inspector  
Brian Cook, Building Inspector  
Cindy Kempter

OTHERS: James Coleman  
Brian Burke  
Brian and Stephanie McNellis

CALL TO ORDER:

Chairman Jeff Faiella led the Board members in the Pledge of Allegiance. He called the meeting of the Planning Board to order at 7:30 PM on May 20, 2021.

This meeting was done via Zoom and Zoom audio and is being conducted in accordance with executive Order 202.1.

Please note that you may hear the meeting live by going to the Village Facebook page at the time of the meeting.

APPROVAL OF MINUTES:

Chairman Faiella called for a motion to accept the minutes of April 15, 2021 as written. A motion was made by Tracey Armisto, seconded by Eileen Absenger, with all in favor to approve the minutes of April 15, 2021. Motion carried.

CALENDAR NO. 1-21-PB: PRELIMINARY SUBMISSION OF APPLICATION FOR PROPOSED SITE DEVELOPMENT PLAN APPROVAL, PROPOSED GRADING AND DRAINAGE PLAN AND DEMOLITION SITE PLAN FOR PROPERTY AT 3176 ALBANY POST ROAD (RAUL SARMIENTO)

This was a continuation of a preliminary submission for proposed site development plan approval for 3176 Albany Post Rd. This application was submitted by Raul Sarmiento.

There was a stop work order pending a court date concerning steep slopes disturbance and the submittal of a steep slopes analysis.

Marcus Serrano noted for the record that Mr. Sarmiento, his attorney or a representative is not on the zoom call presently.

A site visit on Tuesday determined that mulch was spread. We have not received a steep slopes analysis at this time. Building Inspectors Peter and Brian Cook were asked if they have the topographical survey from December 19. That topographical survey showed no evidence of the walking trail as the applicant claimed. They have widened the path to make a driveway. Building Inspector Cook doesn't see a need for a driveway.

Raul Sarmiento was present at this time and was prepared to answer any questions. Chairman Faiella asked if it was stabilized with the mulch. Tino Martin joined the zoom call. Village Consulting Engineer Pommer agreed with the building inspectors that the site is stable with the addition of the mulch and with the statement regarding the topographical survey and the road.

Joe Ruyack, village prosecutor advised that the court is waiting to see what action the Planning Board takes. The reason for the court appearance was to have the property stabilized. Trees were removed and the soil was disturbed. No other work can go forward until the applicant provides a steep slopes analysis or whatever the Planning Board requests.

The "driveway" has to be a foot path to access an existing shed. Village Consulting Engineer Pommer made this request in emails dated March 10 and April 9 and the applicant or his consultants have not replied.

Tino Martin advised they hired an engineer to prepare a steep slopes analysis. No time frame was provided. He asked if any of the board members had any questions.

Chairman Faiella advised the Planning Board cannot proceed as they are still in violation because they have failed to alleviate the conditions. While they are in court they are accruing penalties.

Joseph Ruyack advised the court date is May 25 at 6 pm. and David Wright knows to be there at 6 PM.

Tino Martin mentioned they submitted the new plans eliminating the portico. The Planning Board requires that they settle everything before any action is taken. Tino Martin replied they did all the things the planning board requested. He stated the steep slopes analysis was delayed.

Chairman Faiella noted in Section 4 regarding steep slopes disturbance. Provide us with that information and we can proceed with the process. Mr. Sarmiento had Covid last month. Tino Martin advised they tried to get information in person from the building Inspectors but they were not in the office. Marcus Serrano pointed out that building Inspector Peter Cook is in the office every day.

Tino Martin appreciated the time and effort that the board members and consultants spent.

Eileen Absenger addressed the permit package submitted by David Wright and asked when does the Planning Board deal with this. She was advised this will be addressed when everything is cleared with the court and Village Consulting Engineer Pommer and building inspectors Peter and Brian Cook are satisfied.

CALENDAR NUMBER 2-21-PB: PRELIMINARY SUBMISSION OF APPLICATION FOR PROPOSED POOL AND DECK ON PROPERTY AT 193 CATHERINE STREET. (BRIAN AND STEPHANIE MCNELLIS)

An application for amended site plan approval was submitted for a proposed pool and deck on property at 193 Catherine St. for Brian and Stephanie McNellis.

The proposal is to erect a short retaining wall less than 3 feet and that wall will be buried in soil. A Coltec Infiltration system is proposed and must be approved by Village Consulting Engineer Pommer.

The board members discussed the removal of the rock wall, and placement of the cement block and drainage. This would all fall under a requirement of an amended site plan.

Building Inspectors Brian Cook and Peter Cook explained there will be a second wall. Their plan is to cut through the existing wall to erect the retaining wall.

Brian Burke of 191 Catherine Street was unhappy with the proposed height of 10 feet since they already raised the grade of the property by 3 feet. The topography of the property and the lack of privacy for both families is his main concern. Raising the level of the dirt would contribute to the problem of looking into the second story of his house.

The applicants architect, James Coleman, shared his screen to show what is proposed. The photos showed existing conditions of the property. He stated the applicants want to rectify this application as quickly as possible so they can use the pool. Mr. Coleman pointed out where they propose to put the new deck and the deck extension.

There was discussion about relocating the pool deck to the other side and that may solve the problem of encroaching into the backyard.

Remedies were discussed. Planting arborvitae and adding a solid fence could minimize the impact. Owner said that is a flat area where the children play.

Chairman Faiella asked if anyone had any questions. Jennifer Baker said she walked to the site, no one was home but she was able to see what existed.

The applicants were advised to submit new plans that include landscaping and drainage for Village Consulting Engineer Pommer to review.

Mr. Coleman was asked to provide a sample of the materials they would be using.

Chairman Faiella advised if the applicants have any questions they can reach out to the building inspectors. The applicants were asked if they would have ample time to prepare and submit revised plans?

A public hearing was scheduled for June 17, 2021 on a motion by Jennifer Bakker, seconded by Eileen Absenger, with all in favor. Motion carried.

Mr. Coleman was advised Village Attorney Porteus will have the notice of hearing ready.

ADJOURNMENT:

On a motion by Jennifer Bakker, seconded by Tracey Armisto, with all in favor, the meeting was adjourned at 8:10 PM. The next board meeting will be on Thursday, June 17, 2021.

Respectfully submitted,

Rosemary Martin, Secretary