

VILLAGE OF BUCHANAN
PLANNING BOARD
SEPTEMBER 16, 2021

PRESENT: Jeffrey Faiella, Chairman
Eileen Absenger
Tracey Armisto
Jennifer Bakker
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
George Pommer, Village Engineer
Cindy Kempster, Village Clerk-Treasurer
Brian Cook, Building Inspector
Peter Cook, Assistant Building Inspector

OTHERS: Tino Martin, Representative for 3176 Albany Post Road

This meeting was done via Zoom and Zoom audio and is being conducted in accordance with Chapter 417 of the Laws of 2021.

CALL TO ORDER:

Chairman Jeffrey Faiella called the meeting of the Planning Board to order at 7:30pm and led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Faiella called for a motion to accept the minutes of August 19, 2021 as written. A motion was made by Tracy Armisto, seconded by Eileen Absenger, with all present in favor to approve the minutes of August 19, 2021. Motion carried.

OLD BUSINESS:

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)

Chairman Faiella gave a brief recap of the property. He stated that the Engineer and the Board has asked for the slope remediation plan for months, since the site had a grade over 30%. The Board made it clear that if we did not have the issues resolved in court or the Engineer's letter and reports sent to the Village Engineer, then the Planning Board could not move forward with the process. Village Engineer Pommer stated that at the last meeting we requested the justification for disturbing the steep slopes. That has not been received. In the Engineer letter to the Board last month, it was indicated that if we did not receive the justification, we recommended remediating the slopes back to the original condition. The Village Engineer also asked the applicants attorney to speak to the Village Attorney about the Village Code. Village Engineer Pommer did speak to the applicants engineer and he said they would defer to the applicant's attorney on what would be done next. Village Attorney Porteus stated that she did not received anything from the applicant's counsel. The Building Inspectors have not heard from the applicant.

Chairman Faiella asked for a motion to reject the application and if the applicant should decide to submit the remediation plan, the Board would be happy to re-look at the site plan after the site has been remediated. A motion was made by Eileen Absenger, seconded by Jennifer Bakker, with all present in favor. Motion carried.

Tino Martin questioned why Mr. Sarmiento was not allowed to keep his boat on the property he owned. Building Inspector Cook replied that any vehicles on the property would have to be related to the work being done on that property. Since they have a stop work order on the property, there is not supposed to be any vehicles on that property. Mr. Martin said they submitted plans with a new road. Village Engineer Pommer replied that his attorney needs to read the code. This is out of the Planning Boards hands at the point. Village Attorney Porteus stated that it is clear in our code that you can't disturb slopes. Chairman Faiella stated that since they did not follow through on what they needed to do, the application is rejected.

NEW BUSINESS:

CALENDAR NO. 3-21-PB: 220 Tate Avenue (220 Tate Avenue Corp.) application to convert commercial space to a residential rental space.

Chairman Faiella stated that this property already has the maximum number of residential units, which is four (4) per acre. The applicant will be refunded his planning board application fee. The escrow will be reduced by any consultant or attorneys' fees and the remaining balance will be returned. Village Attorney Porteus asked if the applicant withdrew the application. Village Administrator Serrano said there was communication with the applicant, he was informed of the decision and he understands this decision.

Chairman Faiella asked Village Engineer Pommer to do a letter pertaining to the remediation of the property at 3176 Albany Post Road. Village Attorney Porteus will write up a Decision and Order summarizing what occurred tonight and giving a brief history.

ADJOURNMENT:

The meeting was adjourned at 7:45 PM on a motion by Eileen Absenger, seconded by Tracy Armisto, with all present in favor. Motion carried. The next meeting will be on Thursday, October 21, 2021.