

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
June 6, 2023**

**PRESENT: (This meeting was held live and via Zoom)**

Mayor Theresa Knickerbocker  
Trustees Anthony Capicotti, Steven Laker, Daniel Stewart, Robert Wheeler  
Village Attorney Stephanie Porteus  
Village Planner David Smith  
Village Traffic Engineer Philip Grealy  
Village Clerk, Treasurer Cynthia Kempter  
Deputy Village Clerk Sharon Murphy  
Building Inspector Peter Cook

**ABSENT:**

Village Administrator Marcus Serrano

**OTHERS:**

Mark Weingarten, Partner in DelBello Donnellan Weingarten Wise & Wiederkehr, LLP  
Stuart Lachs, Architect, Perkins Eastman  
Ari Mitnick, AMS Acquisitions LLC  
Peter Feroe, Senior Technical Director, AKRF

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:04 P.M.

**2. APPROVE MINUTES:**

April 25, 2023 Special Meeting; April 25, 2023 Workshop Meeting,  
May 2, 2023 Board Meeting

A motion to approve these minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

**3. COMMENTS FROM THE FLOOR (agenda items only): NONE**

**4. NEW BUSINESS:**

- a. Consider a Motion to Open the Public Hearing Regarding Proposed Zoning Text and Map Amendments to C1/C-2 Overlay District for the Development of Unimproved Property Located on Albany Post Road (and Known and Designated on the Tax Map of the Town of Cortlandt as Section 43.16, Block 3, lots 16 and 16A and Section 43.20, Block 2, Lot2).

A motion to open the public hearing was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

Village Planner David Smith explained that the Mayor and Board of Trustees have opened a public hearing on proposed zoning text and map amendments to the Village of Buchanan code. The applicant will give a presentation related to what the proposed zoning includes and how the zoning will be implemented. The applicant submitted a formal rezoning petition in January 2023. As part of that submission the Village Board needs to go through the State Environmental Quality Review process (SEQRA). The Board initiated that process with a notice of intent to act as lead agency for the environmental review process. The notice of intent was circulated to a list of interested and involved agencies. The Village received comments back from Westchester County, NYS DOT and the Village of Buchanan Planning Board. No one objected to the Village Board acting as lead agency. On March 7, 2023 the Village Board declared themselves as lead agency to coordinate the environmental review. As part of that process, the Village Board asked the applicant to prepare a submission called an Expanded Environmental Assessment Form (EEAF). This included a number of reports. The Board received and reviewed the EEAF in public. They had some requests of the applicant to supplement the EEAF with additional information. The Board accepted it for public circulation and scheduled the public hearing. As part of this process, the Village Board needed to refer the application to the Village Planning Board. The Planning Board met on May 25, 2023 and reviewed the proposed zoning and reported back to the Village Board that they had no objections to the proposed zoning. The Planning Board did have a number of more specific questions related to site plan. The application and the materials submitted are at the conceptual level. There is a process that Village will have to go through. The first step is to make sure the zoning is in place. Then the applicant would submit a formal special permit application and a site plan. This is where you would get into the details of how the development will be constructed and the impacts that the development may have. The applicant has provided a fair bit of information relative to the projected impacts of the proposed project relative to traffic, school children, taxes and impact to community services. There may be specific questions about the site plan, but the applicant may not have specific answers because we are not at that stage yet. Village Planner Smith read some of the site plan questions that the Planning Board brought up at their meeting and these will have to be addressed at some point by the applicant.

Mark Weingarten, representing AMS Acquisitions LLC, gave a presentation on the proposed project. They are asking the Village Board to make a change to the zoning code. They filed a petition to amend the zoning map of the Village to rezone the rear portion of the site from M-1 light industrial to the C-2 district and then to map the entire site to the C-1/C-2 Overlay District. They also asked to allow by special permit an increase in density, increased building height, reduce off-street parking requirement to 1.5/unit, and to designate the Village Board as the approving agency for these special permit conditions. The proposed project is 148 luxury multifamily housing apartments with upscale amenities in a five-story building with 225 parking spaces with the bulk being underneath the building.

Stuart Lachs continued with a presentation of the project. The slides are initial concepts of what might be permissible under the proposed zoning. They are contemplating a pool for the residents use. There will be 162 parking spaces under the building and 65 surface parking spots. There is an access drive for the fire department.

Mayor Knickerbocker stated that she is a life long Village resident. Many of you would prefer not to see the Village change at all. It was a huge hit to our financial base with the closure of Indian Point. The Board has been working to try to replace the money we have lost. One of the things they worked on was an overlay district which would encourage development on certain areas on Route 9. There is a developer who has expressed interest in developing and the Board is entertaining that. This development will not cover the complete loss of revenue. The goal for us is to get the 60 acres on the Indian Point property released. That will keep the Village alive. Mayor Knickerbocker spoke to many people and they want to keep the Village alive. This is probably one of the last areas of small-town USA and it is a very special community and we have so many wonderful people here.

Jeffrey Faiella of Craft Lane and Planning Board Chairman thanked AMS for coming to the Planning Board to give a briefing since they didn't get any information from the Village. He stated that there is a process for new projects coming through the Village and he is not in favor of the Village Board being the lead. Some of the Planning Boards concerns are parking overflow, the two bedrooms plus den, and they would like information from the NYS DOT on the traffic patterns. Richard Funchion of Kings Ferry Road had public comment against changing the zoning. He thinks this is the wrong place and the wrong building and the traffic will be impacted. John Keenan of Catherine Street questioned what kind of housing will this be. Mayor Knickerbocker stated it will be market rate. Lauren Attinelly of Pheasants Run stated the beautification and sidewalks will help our community, but there are some serious things that need consideration. Jean Rudy of Craft Lane made public comment against the development and spoke about the stormwater and drainage. Tina Zerello of

Westchester Avenue made public comment against the size of the project. Bob Outhouse, Fire Chief of Buchanan Fire Department thanked AMS for the meetings they have had looking at the project and things they could do to make access for the fire department work. Bob Outhouse made comment about page 18 & 19 in the EEAF regarding the Verplanck Fire Department services. Marianna Sherman of Craft Lane made public comment in favor of moving forward with the development. Lauren Attinelly of Pheasants Run asked about solar panels. Mark Weingarten stated that you learn a lot about a Village when you come to public hearings. You hear specifics from people who live nearby and we learn and try to improve things and make it more acceptable. He has been doing this for 35 years and has been involved in millions of square feet of development. One of the things he learned that is true for the developer, for the government and the public is that there are trade-offs. There were questions having to do with the economics. The documents provided to the Village indicated that the taxes per year on this project were estimated to be \$840,000 for the Village and school district. The Village itself will get \$250,000. There is no doubt that there is a surplus for the Village that will come out of this project with the amount of taxes it is generating vs the amount it will cost to provide the services for the apartments. In addition to that, there is approximately \$700,000 in fees that will go to the Village in things like building permit fees and other fees. Regarding the underground parking, they think the parking underneath is good for a few reasons. Visual impact is the best way to go and they don't want to locate the parking where the steep slopes are. It is much more expensive to build parking under a building than it is to have a surface parking lot, but are spending the money because it is better than the environmental impact of doing it with surface parking. There was an issue with the two bedrooms and dens. During the site plan process dens can be designed so they are not bedrooms. Through the code you can limit that they can't have a door or a closet. They are asking for a limited number of apartments with a little more extra space so the person who is selling their home and needs more room will have an apartment they will be happy with. They are asking for five stories and 148 apartments because they can't afford it otherwise. The rents would be too high and they don't believe the market would support it. In reference to the traffic comment, no one said there is no traffic impact. What they are using is terminology of professions. The amount of traffic being added did not degrade any of those intersections. Its not that there is not more traffic, it just doesn't come to the point where the grade the professionals use has gone down. There was a question about construction and construction management. When the Village tells AMS they can build the building, they will have a full construction management plan available. In reference to the comment on the stormwater and drainage, they believe they will improve the stormwater issue when they are done. They are required to do that by state law. Philip Grealy stated that early in the process the Village reached out to DOT to make them aware of this proposed development and the proposed development off of Lake Street and Albany Post Road. He had discussions with the DOT, the highway work permit coordinator

and the local work permit engineer to make them aware and to find out what their comments and concerns were. As part of the site plan approval process and even before that, some of the comments that were raised tonight will have to be addressed. They have done the initial review of the applicants traffic study that was done and they had some comments. The applicant has made certain mitigation measures in terms of addressing pedestrian movement and sidewalks. The DOT will make sure that improvements are done concerning the traffic generation from the development. Mr. Grealy stated that they will continue to work with the Village. Steve Laker asked if they are looking into crosswalks. Paul Hackert from Gallagher Street made public comment about changing the Village if a five-story apartment building is built. Denise Rivera of Craft Lane made public comment that the dismissal of the school was not considered in the traffic pattern. Mr. Grealy replied that the activities in the morning and dismissal time were discussed with NYS DOT. We are waiting for DOT to provide all their comments so the applicant can address everything, but that is clearly one item that will be addressed.

Mayor Knickerbocker stated that there are other comments, so the public hearing will be held over. A motion to hold open the public hearing until the July meeting was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

- b. Resolution to Adopt Local Law #3 of the Year 2023 Amending Chapter 211 Entitled Zoning and Chapter 203 Entitled Wetlands to the Code of the Village of Buchanan.

The public hearing was held over until July 5, 2023.

- c. Consider a Motion to Call for a Public Hearing on July 5, 2023 Regarding Chapter 165 Entitled Steep Slopes.

A motion to call for a public hearing was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

- d. Consider a Motion to Increase the Fixed Asset Level to \$10,000. The Fixed Asset Schedule is Used by the Auditors to Verify the Existence of Fixed Assets and to Trace These Items Back to the General Ledger Balance. This Increase is a Recommendation from the Auditors.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- e. Consider a Motion Authorizing the Employment of Recreation Personnel for the Camp at the following rates:

Director	\$6,050.00
Assistant Director	\$4,550.00
Nurse	\$18.00/hr.
Laborer	\$15.00/hr.
Art Specialist	\$15.00/hr.
After Care	\$13.00/hr.
Senior Counselors	\$12.00/hr.
Junior Counselors	\$10.00/hr.
Junior CIT	\$8.00/hr.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- f. Consider a Motion Authorizing the Employment of Recreation Personnel for the Pool at the following rates:

WSI	\$25.50/hr.
Director	\$21.50/hr.
Lifeguard vary with experience	\$15.00 - \$17.00/hr.
Head Guard	\$1.00 more per hour when working as head guard.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

- g. Consider a Motion Authorizing the Employment of Timothy Donahue as Seasonal Laborer at the STP starting on June 7, 2023 at a Rate of \$15.00/hour.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

**5. INFORMATION FROM OFFICERS & DEPARTMENTS:**

- a. Justice Reports – April 2023

Received and filed.

- b. Police Report – April 2023

Received and filed.

- c. Highway Report – April 2023

Received and filed.

- d. Wastewater Treatment Plant – April 2023

Received and filed.

- e. Building Department – March 2023

Received and filed.

- f. Planning Board – March 23, 2023

Received and filed.

- g. Buchanan Engine Company – April 2023

Received and filed.

- h. Prosecutor's Report – no report

- i. Attorney's Report

Village Attorney Porteus stated she has executive session information.

- j. Administrator's Report – no report

- k. Trustee's Report

Trustee Wheeler thanked everyone who came out tonight. There is a lot going on in the Village and these are big decisions that need to be made. It is great to see a lot of people here showing their interest in what is going on and how we will move forward. The Decommissioning meeting will be held on June 15 at 6:00 P.M. at Village Hall. Mayor Knickerbocker said please come out, this is really important. The anti-nuclear groups are trying to tell the Village of Buchanan what to do once again. Trustee Wheeler attended the Memorial Day Parade in Verplanck. They did a great job. They dedicated five benches. Ex-Mayor and Trustee Sean Murray was running that and did a great job. Trustee Wheeler questioned if we could get an electronic message board. He wished the dads a Happy Father's Day.

Trustee Laker thanked the public who attended the meeting and asked the questions. He thanked Mrs. Sherman who recognized that fact that we can't stand still. We need to look at everything. Nothing tonight was approved. There will be a lot more studies and input from the applicant before anything gets approved. It is our job to listen to the public's needs and wants and what's

best for the Village. We need the participation from the public and we appreciate you coming out. Trustee Laker had a suggestion that there be one email that goes to all the Board. For example, [villageboard@villageofbuchanan.com](mailto:villageboard@villageofbuchanan.com). For the workshop, Trustee Laker would like a discussion on the fee schedule, the pickle board court and an update on the camp. Mayor Knickerbocker added the fee for developers in lieu of recreation.

Trustee Stewart stated that Trustee Laker, Trustee Capicotti and himself attended the Montrose Fireman's Annual Parade. It was a nice turnout. He agreed with Trustee Laker that the fees in relation to the noise and other violations taking place has to be discussed. He would like to put on the workshop meeting to discuss the insurance and if we should be looking at that to go out for bid and some of the issues that come up when it comes to people wanting to use our facilities and have to furnish evidence of insurance and certificates of insurance. We are not all the same page and it causes some problems. Trustee Stewart said Happy Father's Day and Congratulations to anyone who has someone graduating.

Trustee Capicotti stated that we are in a situation where we need to build revenue and that is why we are going in that direction. To see the public come out and hear whether they are interested in this or not is valuable to us. That is why he decided to run for office. He wants to help the Village the best he can. Trustee Capicotti stated that we need to make movements that are productive for the Village to move forward, otherwise there is not going to be a Village. This is something that needs to be investigated. The public needs to come and keep the comments coming. There were comments made that he didn't like to hear, but we have to come to some kind of agreement to save the Village. It is imperative that development happens in the Village otherwise we won't be hear for long. A five-story building is a big thing for the fire department, the police department and for the community, but we all have to work together and get this done. This is our future. He hopes people will continue participating and we come out of this with the right answer in a productive way. Trustee Capicotti stated Happy Father's Day and Happy Graduation.

1. Mayor's Report

Mayor Knickerbocker thanked the Trustees for attending the parades. Mayor Knickerbocker stated that she had a knee replacement and is hobbling around.

6. **COMMENTS FROM THE FLOOR:**

Eileen Absenger thanked David Smith for his presentation to the public. He did a suburb job. She would like Trustee Capicotti and Highway Foreman Horton to look

at the stormwater pipe at end of the brook on her property that the Village has the easement for.

7. **EXECUTIVE SESSION:**

At 8:52 P.M. a Motion to enter into Executive Session to discuss contract litigation was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

8. **ADJOURNMENT:**

At 9:34 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

At 9:35 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Wheeler with all in favor. No monies were expended.