

ZONING BOARD OF APPEALS
VILLAGE OF BUCHANAN
NOVEMBER 12, 2020

PRESENT: Gary Bell, Chairman
Marco Pinque
Ed Mevec
Mary Funchion
Rosemary Martin, Secretary
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
Cindy Kempter, Village Clerk

OTHERS: David Garcia, Attorney for Brian Calabro
Brian Calabro
John Lentini, architect for Todd Horgan
Todd Horgan
Jaime Leon
Jaime Leon

CALL TO ORDER:

Chairman Gary Bell led the Board members in the Pledge of Allegiance. Chairman Bell called the meeting of the Zoning Board of Appeals to order at 7:00 p.m. on November 12, 2020. 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:

Mary Funchion emailed one correction that was done prior to the meeting. The Board acted on the latest revision of the minutes. Ed Mevec, seconded by Mary Funchion, with all in favor, made a motion to approve the minutes of October 14, 2020 as written. Motion carried.

CALENDAR NO. 2-20-BZ: PRELIMINARY SUBMISSION FOR VARIANCE FROM THE REQUIREMENT OF SECTION 211-19-1 a AND 211-21-c AS WELL AS AN ACCESSORY STRUCTURE AND FENCE FOR PROPERTY LOCATED AT 215 CATHERINE STREET (KEVIN ARASIM)

Kevin Arasim of 215 Catherine Street advised in an email he did not have time to mail the public hearing notice for tonight's hearing. He asked that the Board postpone the hearing until December 2020.

Chairman Bell and Ed Mevec made a site visit on November 7, 2020. Marco Pinque viewed the property on November 8, 2020.

On a motion by Marco Pinque, seconded by Mary Funchion, with all in favor, the public hearing for Kevin Arasim of 215 Catherine Street was opened.

On a motion by Ed Mevec, seconded by Marco Pinque with all in favor, the public hearing was adjourned at the applicant's request and will continue December 9, 2020. Motion carried.

CALENDAR NO. 1-20-BZ: CONTINUATION OF PUBLIC HEARING FOR AN INTERPRETATION OF THE ZONING LOCAL LAW OR ZONING MAP FOR PROPERTY LOCATED AT 226 TRAVIS AVENUE. (BRIAN CALABRO)

Chairman Bell asked Village Attorney Porteus for an update on the Village Board's progress between her and Brian Calabro.

Village Attorney Porteus advised they reviewed the code and found inconsistencies that may directly affect this project. Village Attorney Porteus and Village Trustee Zachary are working toward perhaps amending the code. They expect to have it written and approved by the Village Board for the next meeting. Village Attorney Porteus stated unless Mr. Calabro had anything to add, the Board could reopen the public meeting tonight and adjourn it to the December 9, 2020 meeting.

The public hearing was reopened on a motion by Ed Mevec, seconded by Marco Pinque, with all in favor to consider the application of Brian Calabro who is seeking an interpretation of the zoning local law or zoning map for his property at 226 Travis Avenue.

Mr. Calabro had requested a variance from front yard setback requirements. He was advised that a variance to enlarge a pre-existing nonconforming structure according to Section 211-37 of the zoning code was not allowed. That is why they were seeking an interpretation of the code as it relates to unique properties.

Since there are still unresolved issues, the Zoning Board will adjourn the public hearing and continue it. On a motion by Mary Funchion, seconded by Marco Pinque, with all in

favor, the public hearing will be kept open and continued on December 9, 2020. Motion carried.

CALENDAR NO. 4-20-BZ: PRELIMINARY SUBMISSION FOR LOT COVERAGE VARIANCE FOR INGROUND SWIMMING POOL FOR PROPERTY AT 105 BURKE COURT (TODD HORGAN)

Chairman Bell asked Todd Horgan to explain his application for a lot coverage variance. Mr. Horgan has lived in Buchanan for about 37 years. He proposes to install an 18 x 36-foot inground pool in his backyard where he currently has a playground set up for his children.

John Lentini is the architect for the project. He advised when the plan was laid out, they realized they were over the 30% lot coverage allowed by the code. Mr. Lentini stated Mr. Horgan is requesting a variance for 3.3%.

Mr. Horgan advised his property is an oversized irregular shaped corner lot. He proposes to put a patio around the entire pool. He will keep the 10-foot set back grass coverage to help with drainage. The grassy area is existing, so he does not see any extra runoff being created there. There is a 10-foot utility easement between his property and the property on Kings Ferry Rd. He is not sure of the reason for the easement and does not think it is being used for anything.

Mr. Lentini stated the pool will increase the value of Mr. Horgan's property. Since the advice right now is to stay home due to the COVID-19 pandemic, installing a pool and deck is a common project for many people.

Chairman Bell asked if anyone had any questions. Marco Pinque asked if the pool will cut into the hill and he was advised it will. Marco Pinque noted on the plans there is an existing 2-foot retaining wall. This wall does not run the entire length of the hill.

Mr. Lentini advised they reduced the size of the patio. Marco Pinque asked what kind of pavers you are using. He was advised it will be 18x18 large pavers. It is a vinyl liner pool and will be installed in the spring. Early next summer the pool would be finished.

There will be a site visit on Saturday, December 5, 2020 at 9 am. Village Administrator Serrano pointed out if there is a quorum of Board members, the visit would have to be advertised. He was advised that they were not discussing business; they were just looking at the site.

According to the code, a steep slopes permit is required for ground areas with a slope greater than 15%, with a minimum area of 500 square feet which possesses one dimension of a minimum of 10 feet. Measurements shall be made along a horizontal plane. Village Attorney Porteus asked Mr. Lentini if he looked at steep slopes law. The retaining wall is into the slope. Where the pool is going it is 5%. Village Attorney Porteus

wanted Mr. Lentini to be aware of that. He believed the code says it would have to be after 250 contiguous square feet.

Village Administrator Serrano suggested speaking with the building inspector if Mr. Lentini finds that it involves steep slopes. It was questioned if this would warrant the Village engineer or building inspector to look at this. Village Attorney Porteus suggested we wait for Mr. Lentini to do an analysis, before involving the building Inspector.

Since there were no further questions or comments, Chairman Bell called for a motion to set a public hearing. On a motion by Marco Pinque, seconded by Ed Mevec, with all in favor, a public hearing will be held on December 9, 2020. Motion carried.

Marco Pinque advised Mr. Horgan to stake out the pool area for the site visit. Chairman Bell noted that again a lot is described as another unique -lot in Buchanan.

Chairman Bell recommended setting up a site inspection on Saturday December 5, 2020 at 9:00 am.

Village Attorney Porteus will prepare a public hearing notice that Mr. Horgan can obtain tomorrow at the Village Clerk's office. Mr. Horgan was advised of the procedures required for a public hearing including notification of the public hearing by certified mail; return receipt requested to all property owners within 250 feet. The return receipts must be submitted at the hearing. The applicant is required to obtain a notice of hearing sign and place it in a prominent position on the property. Affidavits of the publication and posting shall be filed with the Village Clerk's office.

CALENDAR NO. 5-20-BZ: PRELIMINARY SUBMISSION FOR LOT COVERAGE VARIANCE FOR IN GROUND SWIMMING POOL ON PROPERTY LOCATED AT 105 BURKE COURT (JAIME LEON)

An application was submitted by Jamie Leon for his father who resides at 171 Cortlandt Street. The application was to install a 15' x 35' in ground pool. This would be a rectangular pool so the family can be together in the summer and stay outside. He is also requesting a variance for a 20' x 20' small gazebo located behind the garage. Mr. Leon's engineer is Robert Roselli.

Mr. Leon advised the lot is long and narrow. He is requesting a lot coverage variance from 33.9 feet to 41.5 feet. Chairman Bell asked if there were any questions from the board members.

Marco Pinque asked if the proposed gazebo would be a permanent structure. He was advised it will be an open-air gazebo for protection from the sun.

Chairman Bell advised the Board members would like to make a site visit on Saturday, December 5, 2020 at approximately 9:30 to 9:45 am.

Since there were no further questions or comments, Chairman Bell called for a motion to set a public hearing. On a motion by Ed Mevec, seconded by Marco Pinque, with all in favor, a public hearing will be held on December 9, 2020. . Motion carried.

Village Attorney Porteus will prepare a public hearing notice that Mr. Leon can obtain tomorrow at the Village Clerk's office. Mr. Leon was advised of the procedures required for a public hearing including notification of the public hearing by certified mail; return receipt requested to all property owners within 250 feet. The return receipts must be submitted at the hearing. The applicant is required to obtain a notice of hearing sign and place it in a prominent position on the property. Affidavits of the publication and posting shall be filed with the Village Clerk's office.

ADJOURNMENT:

Marco Pinque, seconded by Mary Funchion, with all in favor, made a motion to close the meeting at 7:35 pm. Motion carried. The next meeting will be on December 9, 2020 at 7:00 pm.

Respectfully submitted,

Rosemary Martin, Secretary