

ZONING BOARD OF APPEALS  
VILLAGE OF BUCHANAN  
DECEMBER 9, 2020

PRESENT: Gary Bell, Chairman  
Marco Pinque  
Ed Mevec  
Mary Funchion  
Harmen Bakker  
Rosemary Martin, Secretary  
Marcus Serrano, Village Administrator  
Stephanie Porteus, Village Attorney  
Cindy Kempter, Village Clerk  
Brian Cook, Building Inspector  
Peter Cook, Building Inspector

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

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 December 9, 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:

Marco Pinque, seconded by Mary Funchion, with Ed Mevec and Gary Bell in favor and Harmen Bakker abstained, made a motion to approve the minutes of November 12, 2020, as written. 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.

Brian Calabro spoke with Village Attorney Porteus and she is still working with his attorney, David Garcia and the Village Board. He is hoping there can be a resolution prior to the next meeting in January 2021.

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.

On a motion by Mary Funchion, seconded by Marco Pinque, with all in favor, the public hearing was adjourned and will be continued on January 13, 2021. Motion carried.

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

On a motion by Ed Mevec, seconded by Mary Funchion, with all in favor, the public hearing was opened for property at 105 Burke Court for Todd Horgan who is seeking a lot coverage variance for a proposed inground pool and patio.

The notice of hearing was duly filed and published to consider the application of Todd Horgan. Mr. Horgan advised the notices of hearing were sent by certified mail, return receipt requested, to all those within 250 feet. The applicant sent 32 notices and 26 receipts were returned. The certified receipts were submitted for the file. It was determined that proper notification was made. A notice of hearing sign was posted on the property. The return receipt cards were submitted for the file

Chairman Bell asked Todd Horgan to explain his application for a lot coverage variance. Mr. Horgan proposes to install an 18 x 36-foot inground pool and a small patio in his backyard for a total of 1100 square feet.

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%.

Chairman Bell asked if anyone had any questions or comments.

A site visit was made on Saturday, December 5, 2020 at 9 am. Chairman Bell advised that although Mr. Horgan is looking for a 3.3% variance if they encounter rock then the variance will be adjusted.

Since there were no questions or comments, Chairman Bell called for a motion to close the public hearing. On a motion by Ed Mevec, seconded by Marco Pinque, with all in favor, the public hearing was closed. Motion carried.

Chairman Bell called for a motion. Marco Pinque made a motion to grant a lot coverage variance from 30% to 33% for the installation of an inground swimming pool and patio based on plans submitted and signed by Architect John Lentini. This motion was seconded by Ed Mevec, with all in favor. Motion carried.

Village Attorney Porteus will prepare the decision and order for review and signature.

#### CALENDAR NO. 5-20-BZ: PUBLIC HEARING FOR LOT COVERAGE VARIANCE FOR IN GROUND SWIMMING POOL ON PROPERTY LOCATED AT 171 CORTLANDT STREET (JAIME LEON)

An application was submitted by Jamie Leon 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.

On a motion by Marco Pinque, seconded by Mary Funchion with all in favor, the public hearing for property at 171 Cortlandt St. was opened.

The request for a lot coverage variance was from 33.9 feet to 41.5 feet. Chairman Bell asked if there were any questions from the board members.

Chairman Bell advised that this afternoon he received 44 pages of documented allegations from Robert Lupica. Mr. Leon did not receive this and he will be emailed a copy. Mr. Leon was advised to have his engineer address these concerns and speak about it at the January meeting. Ed Mevec noted the board has questions that have been brought to our attention and we want to have these questions addressed. Robert Roselli will be asked to review this application.

Chairman Bell and the board members would like to review the documented accusations. It was suggested that Village engineer Pommer and Building Inspector Cooke meet to discuss this. Chairman Bell would like to be present at that meeting.

Chairman Bell asked if there was anyone who wanted to speak. Robert Lupica who lives at 169 Cortlandt Street made numerous allegations regarding the property at 171 Cortlandt Street. He noted documentation is missing from the building department file

and enumerated them in his letter. His concern was will he be negatively impacted by this application.

Since additional information is required, Chairman Bell called for a motion. On a motion by Marco Pinque, seconded by Mary Funchion, with all in favor, the public hearing was adjourned and will be continued at the January 13, 2021 meeting. Motion carried.

CALENDAR NO. 2-20-BZ: CONTINUATION OF PUBLIC HEARING 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)

This is a continuation of a public hearing that was opened in October 2020. Chairman Bell noted that various board members visited the site.

Mr. Arasim was requesting an 8-foot fence instead of a 6-foot fence that the code allows. He needs the 8-foot fence to gain privacy. Mr. Arasim found there are three 8-foot fences as he drove through the neighborhood. He would also like a variance to build a 17'x12' pavilion with a roof to provide shade. Mr. Arasim has tried other means of shade such as umbrellas or an aluminum pop-up temporary structure but because the property location becomes a wind tunnel they all blow over.

Chairman Bell stated the board cannot vote and approve an 8-foot fence. It was noted that the concrete slab is on the property line. Mr. Arasim was adamant that the board members and the building inspector check for other 8-foot fences in the village. Village attorney Porteus advised only a 6-foot fence is permitted under the code.

Since the concrete pad is on the property line if the proposed gazebo is brought in 3 feet it would comply with zoning, and Mr. Arasim would not require a variance. Mr. Arasim was unhappy with the board's suggestions and advised they would be hearing from his attorney. He will make sure that fines are issued.

Chairman Bell asked if there was anyone who wished to speak for or against this application. Sharon Cassidy of 211 Catherine Street questioned why Mr. Arasim will not be permitted to have an 8-foot fence for some privacy for his property. She was advised that is not permitted in the zoning code.

Mr. Arasim wanted to know why he could not be granted a variance. Village attorney Porteus advised him he would have to petition the village board and request that they amend the code. Village administrator Serrano told Mr. Arasim to send him an email request that he could forward to the village board.

Chairman Bell asked if there was anyone else to speak about this. Mr. Arasim advised the other property is a rental property and regarding the debris he has filed many complaints. Building inspector Cooke visited the site and recounted what he saw on the property.

Building inspector Cooke will investigate this and will email Village administrator Serrano with his findings.

Chairman Bell called for a motion. On a motion by Ed Mevec, seconded by Marco Pinque, with all in favor the public hearing was closed. Motion carried.

Chairman Bell called for a motion. On a motion by Ed Mevec, seconded by Mary Funchion, with all in favor the request for an 8-foot fence and a variance for the gazebo was denied. Motion carried.

Village attorney Porteus will prepare a decision and order for review and signature.

CAL NO. 4-19-BZ: PRELIMINARY SUBMISSION FOR VARIANCE AT 182 LINDSEY AVENUE. (CASABELLA CONTRACTING OF NEW YORK)

Chairman Bell received a letter from Casabella Contracting rescinding their application to build a garage at 182 Lindsey Avenue. On a motion by Marco Pinque, seconded by Mary Funchion, with Ed Mevec in favor, and Harmen Bakker abstained the Zoning Board accepted the withdrawal. Motion carried.

ADJOURNMENT:

Marco Pinque, seconded by Ed Mevec, with all in favor, made a motion to close the meeting at 8:02 pm. Motion carried. The next meeting will be on January 13, 2021 at 7:00 pm.

Respectfully submitted,

Rosemary Martin, Secretary