

VILLAGE OF BUCHANAN
PLANNING BOARD
AUGUST 20, 2009

PRESENT: Wayne Moraitis, Chairman
Carole Chapyak
Ben Martinelli
Jack Cito
Don Zern
James Annichiarico of Cronin Engineering
Stephanie Porteus, Village Attorney
Rosemary Martin, Secretary

OTHERS: Mr. John Franko
Angelo Iacomini
Kathy Kane

CALL TO ORDER:

Chairman Wayne Moraitis, who informed all attending of the fire regulations and led them in the Pledge of Allegiance, called the regular meeting of the Planning Board to order at 7:30 p.m. on August 20, 2009.

APPROVAL OF MINUTES:

The minutes of July 16, 2009 were approved on a motion by Carole Chapyak, seconded by Don Zern, with all in favor with the following correction: Page 2, under Cal No. 02-09-PB, second paragraph, change second sentence to read: "She was advised they ran a successful deli business in Briarcliff Manor for an absentee owner."

CAL NO. 01-09-PB: CONTINUATION OF PUBLIC HEARING FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT FOR 108 BANNON AVENUE. (FRANKO)

Carole Chapyak, seconded by Jack Cito, with all in favor, made a motion to reopen the public hearing for 108 Bannon Avenue.

John Franko, who previously resided at 176 Seward Street with his parents, is now the owner of the house at 108 Bannon Avenue, and applied for a special permit for an accessory apartment at Bannon Avenue.

Mr. Franko hopes to continue to be a Village resident for many years. He advised the bank would not close without the issuance of a variance from New York State for the certificate of occupancy for the ceiling height. This took quite a long time. On July 27, 2009 he closed with the bank. Mr. Franko advised he obtained a building permit and certificate of occupancy for the existing accessory apartment and basement. The Franko's are occupying the major part of the house. His uncle, who used to live at the Bannon Avenue

apartments until it burned down, would live in the accessory apartment. He now lives in Springvale and it would be nice to get him back in Buchanan. His uncle doesn't know when he would move in because he has a current lease.

Chairman Moraitis stated that whenever there is an application for accessory apartment the Planning Board has to judge it as a new application. He noted this type of application for special permit meets the legislative intent of the code (a resident of the Village wanting to purchase a home in Buchanan). This meets the majority of the intent of the code. Mr. Franko has not been the owner for three years.

James Annichiarico did a work up on this application and reviewed lot coverage. The previous owner was issued a variance from the Zoning Board in 1998 for 42.9% lot coverage including the deck. He calculated a slightly lower lot coverage percentage of 41.8%. This is one percent less than what Mr. Franko was given from the architect.

In James Annichiarico's discussion with Building Inspector Miller and discussion with Zoning Board members, it is not clear if there previously was an interpretation of a deck being off the ground or on the ground and how that figures in the lot coverage. How did the Zoning Board look at this? Chairman Moraitis did not think there was an official interpretation. With the deck included the lot coverage could possibly be over. Chairman Moraitis stated we should go with 41.8%.

The Board members asked that Building Inspector Miller bring an application of that nature to the Zoning Board as to whether or not a deck that is above ground should be considered lot coverage.

Chairman Moraitis asked if there were any questions or comments from the Board members. There were no comments from the Board members. Chairman Moraitis asked if there was anyone present to speak for or against the application or had any questions or comments. There was no one present to speak for or against the application.

Since there were no questions or comments, Jack Cito, seconded by Don Zern, with all in favor, made a motion to close the public hearing.

Carole Chapyak, seconded by Jack Cito, with all in favor, made a motion to approve a special permit for accessory apartment subject to all of the conditions including a declaration of covenant to file with Westchester County. This covenant is required to make a potential new owner aware If there is a transfer of ownership of the property. Village Attorney Porteus will prepare the resolution and declaration of covenant.

GENERAL DISCUSSION:

Chairman Moraitis advised the Board members there is a planning consultant who is on

call from Frederick P. Clerk when we need her. The secretary sent a memo to the Village Board recommending that the application fee for Diloreto be refunded.

ADJOURNMENT:

Carole Chapyak, seconded by Don Zern, with all in favor, adjourned the meeting at 7:50 p.m. on a motion. The next meeting will be September 17, 2009.

Respectfully submitted,

Rosemary Martin, Secretary