

ZONING BOARD OF APPEALS  
VILLAGE OF BUCHANAN  
NOVEMBER 4, 2009

PRESENT: Kathy Kane, Chairwoman  
Marco Pinque  
Angelo Iacomini  
Ed Mevec  
Barbara Miller, Building Inspector  
Stephanie Porteus, Village Attorney  
Rosemary Martin, Secretary

ABSENT: Mike Chirico (vacation)

OTHERS: Don Zern  
Jorge Hernandez

CALL TO ORDER:

Chairwoman Kathy Kane informed all attending of the fire regulations and led them in the Pledge of Allegiance. She called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. on November 4, 2009.

APPROVAL OF MINUTES:

A motion was made by Marco Pinque, seconded by Ed Mevec, with all present in favor, to table approval of the minutes of October 7, 2009 until the next meeting.

CAL NO. 02-09-BZ: CONTINUATION OF PUBLIC HEARING FOR VARIANCE APPLICATION FOR PROPERTY AT 175 HENRY STREET. (AZIZI)

The notice of hearing was duly filed and published to consider the application of Azizi for proposed alterations on their property at 175 Henry Street. Jorge Fernandez, representing Atefa Azizi, advised the notices of hearing were sent by certified mail, return receipt requested, to all those within 250 feet. The applicant sent 19 notices and 17 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.

Mr. Hernandez advised they are renovating the first floor and adding to the second floor.

Marco Pinque, seconded by Angelo Iacomini, with all present in favor, made a motion to reopen the hearing.

Chairwoman Kane asked if there was anyone present to speak for or against the application. No one was present for this application. She asked if there were any questions or comments from the Board members. There were no comments or questions from the Board members.

Chairwoman Kane read the area variances (listed below) required for this property. These are all preexisting nonconforming conditions and the variances will bring them into compliance. The footprint will remain the same.

Chairwoman Kane called for a motion. Angelo Iacomini, seconded by Ed Mevec, with all present in favor, made a motion to grant the following variances:

- A front yard area variance for the existing garage from 30 feet to 2.8 feet.
- A front yard area variance for the existing staircase from 30 feet to 0 feet.
- A right side yard area variance from 10 feet to 7 feet for the existing structure.

Village Attorney Porteus will prepare the decision and order for the Board's consideration for the next meeting. The applicant can proceed with the addition.

CAL NO. 03-09-BZ: PUBLIC HEARING FOR VARIANCE APPLICATION FOR PROPERTY AT 223 GALLAGHER STREET. (DRIVER)

Scott and Melissa Driver were not present at the meeting for a public hearing for variance for the proposed alterations to their existing house at 223 Gallagher Street. The applicants did not send the notices of hearing.

Since proper notification was not made, on a motion by Marco Pinque, seconded by Angelo Iacomini, with all present in favor, the public hearing was adjourned until December 9, 2009.

Two variances are required:

- A rear yard area variance for the shed from 4 feet down to 3.2 feet.
- A side yard area variance from 10 feet to 5 feet.

CAL NO. 04-09-BZ: PRELIMINARY SUBMISSION FOR VARIANCE FOR PROPERTY AT 3208 ALBANY POST ROAD. (SARMIENTO/GUZMAN)

Building Inspector Miller advised the Zoning Board that the applicants have ordered their survey and will not be present tonight. This will be carried as a preliminary submission for the next meeting.

CAL NO. 05-09-BZ: INTERPRETATION OF USE FOR PROPERTY AT 260 WESTCHESTER AVENUE. (PEBWORTH)

The property is owned by Claire Pebworth and the proposed tenant is Marble Space Inc. Regarding this interpretation, Building Inspector Miller stated there is a meeting set for next week. This will be carried as a preliminary submission for the next meeting.

PRELIMINARY SUBMISSION FOR W. G. HOLDINGS AT 200 TATE AVENUE (SCHUNK)

William Schunk, one of the owners of W. G. Holdings, advised that a former tenant (physical therapy use) left and one possible replacement is a bakery. Before going to the Health Department, he and the potential tenant want to know if a bakery is a permitted use. Mr. Schunk met with Building Inspector Miller to discuss this use. He was advised to appear before this Board to discuss the restrictions. Mr. Schunk stated they will cook and sell bakery items.

The Board members reviewed the permitted uses listed on the "schedule of uses" in the zoning code and one of the uses is a restaurant/food store. Chairwoman Kane noted that this use proposed by Mr. Schunk would need an interpretation as to whether or not it would be a permitted use. Chairwoman Kane stated that any type of food use has to go to the Board of Health. Mr. Schunk was not sure if he wanted a bakery. He advised there is another tenant interested; an ice cream parlor. He stated he cannot keep appearing before the Board one tenant at a time each time a tenant is interested.

Mr. Schunk advised they are anxious to fill the vacant space and need to understand what we can and cannot do. This would give him parameters to go forward with filling that space,

Marco Pinque, seconded by Angelo Iacomini, with all present in favor, made a motion to set a hearing for December 9, 2009 to interpret and address uses for C-1 zoning.

Village Attorney Porteus will prepare a public hearing notice. Mr. Schunk 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 500 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.

ADJOURNMENT:

Angelo Iacomini, seconded by Marco Pinque, with all in favor, made a motion to adjourn the meeting at 7:45 p.m. The next meeting will be December 9, 2009.

Respectfully submitted,

Rosemary Martin, Secretary