

June 13, 2024

Jeff Faiella, Chairman
Village of Buchanan Planning Board
Village Hall
236 Tate Avenue
Buchanan, New York 10511

**Re: *Subdivision Application for
Will Richard
187 Westchester Avenue & 208 Fourth Street
Buchanan, New York
Section: 43.15, Block: 1, Lot: 4***

Dear Chairman Faiella and Members of the Planning Board:

Enclosed for your review and approval, please find ten (10) copies of the following items regarding a Subdivision application for the above-referenced property:

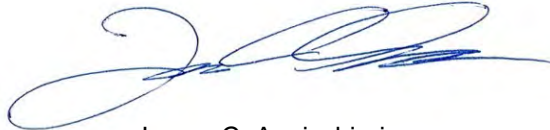
1. Planning Board Application Fee - \$300
2. Escrow – (see previous escrow w/Village for ZBA Application)
3. Application to the Planning Board
4. Affidavit of Applicant
5. Escrow Agreement
6. Short Environmental Assessment Form
7. Property Deed
8. Zoning Board of Appeals Decision & Order
9. Preliminary Subdivision Plat entitled: “Proposed 2-Lot Subdivision for Will Richard” dated June 13, 2024
10. Property Survey entitled: “Property Survey 208 Fourth Street, Village of Buchanan, New York, Prepared for Will Richard” prepared by Rowan Land Surveying, dated June 12, 2024

This application proposes to subdivide a 39,012 square foot (0.89 acre) parcel into two (2) separate lots. The existing parcel currently contains two (2) single family dwellings with addresses 187 Westchester Avenue & 208 Fourth Street and the subdivision of the property will create a separate parcel for each dwelling. Each dwelling is serviced by separate utilities (i.e. water service, sewer service, electric service, etc.) and driveways. The proposed lot for the 187 Westchester Avenue dwelling is 20,033 square feet and the proposed lot for the 208 Fourth Street dwelling is 18,989 square feet.

At the May 15, 2024 Zoning Board of Appeals (“ZBA”) meeting the ZBA voted to approve an area variance for the proposed lot containing the 208 Fourth Street dwelling but required that it contain the remainder of the property after providing 20,000 square feet for the proposed lot containing the 187 Westchester Avenue dwelling.

We respectfully request to be placed on the June 27, 2024 Planning Board meeting agenda for discussion. Should you have any questions or require additional information, please do not hesitate to contact me at the number above.

Respectfully submitted,



James C. Annicchiarico
Project Engineer/Manager

enclosures

cc: Will Richard, Property Owner/Applicant
Marcus Serrano, Administrator, Village of Buchanan
Stephanie Porteus, Esq., Village Attorney
Brian Cook, Building Inspector, Village of Buchanan
Peter Cook, Building Inspector, Village of Buchanan
George Pommer, Hahn Engineering, Village Consulting Engineer
David B. Smith, Planning & Development Advisors, Village Consulting Planner
File: *Richard-187 Westchester Ave & 208 Fourth St-Buchanan-Subdivision-Letter-20240613.doc*

APPLICATION TO THE PLANNING BOARD

I. IDENTIFICATION OF APPLICANT

APPLICANT NAME WILL RICHARD PHONE 914 953-0688
ADDRESS 33 SOLLER HEIGHTS RD, GHEM, NY 12075
APPLICANT EMAIL MR.RICHARD32@GMAIL.COM
ARCHITECT/ENGINEER CRONIN ENGINEERING

II. IDENTIFICATION OF PROPERTY

TAX MAP SECTION 43.15 BLOCK 1 LOT(S) 4 LOCATION OF
AFFECTED PREMISES (ADDRESS) 187 WESTWATER AVE + 208 FOURTH ST
DISTRICT D20 AREA 39,012 SQ/FT ZONING

III. DESCRIPTION OF PROPOSED ACTIVITY/OCCUPANCY

RESIDENTIAL COMMERCIAL _____ OTHER _____

IV. TO THE PLANNING BOARD:

APPLICATION IS HEREBY MADE FOR (CHECK ALL THAT APPLY):
____ SITE DEVELOPMENT PLAN APPROVAL
 SPECIAL PERMIT PURSUANT TO PART _____ OF THE VILLAGE CODE
 SUBDIVISION APPROVAL
____ OTHER (EXPLAIN): _____

V. ADDITIONAL INFORMATION

HAVE PREVIOUS APPLICATIONS TO THE PLANNING OR ZONING BOARD BEEN FILED IN
REGARD TO THESE PREMISES? YES _____ NO
HAS VIOLATION BEEN SERVED RELATIVE TO THIS MATTER? YES _____ NO

VI. ATTACHED HERETO AND MADE PART OF THIS APPLICATION, I SUBMIT TEN (10) COPIES OF THE FOLLOWING (CHECK ALL THAT APPLY):

LONG-ENVIRONMENTAL ASSESSMENT FORM (5 HOURS)
 SKETCH PLAT
 PROPOSED SITE DEVELOPMENT PLAN
 PROPERTY SURVEY
 FLOOR PLANS WITH ALL NECESSARY MEASUREMENTS
 COPY OF DEED
____ SIGNED CONSENT BY OWNER IF APPLICANT IS NOT THE OWNER
____ OTHER (EXPLAIN): _____

VII. APPROVAL FOR SUBMISSION

SIGNATURE OF APPLICANT William Richard DATE 2/8/24

VIII. RECEIPT

DATE RECEIVED BY CLERK _____ FEE RECEIVED \$ _____
RECEIPT NO. _____
ESCROW RECEIVED _____

NOTE: ALL APPLICANTS ARE RESPONSIBLE FOR DEPOSIT OF ESCROW AND THE REIMBURSEMENT OF COSTS INCURRED BY THE VILLAGE FOR ENGINEERING, ENVIRONMENTAL, LEGAL OR OTHER TECHNICAL CONSULTANTS WHERE DEEMED NECESSARY BY THE VILLAGE BOARDS AS PER LOCAL LAWS.

AFFIDAVIT OF APPLICANT

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:
VILLAGE OF BUCHANAN)

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS SUBMITTED HEREWITH ARE TRUE.

APPLICANT: William Richard
ADDRESS: 187 Westchester Ave
Buchanan NY 10511

SWORN TO ME THIS
8 DAY OF Feb, 2024
Keith Warner
NOTARY PUBLIC
COUNTY OF WESTCHESTER Columbia

KEITH WARNER
Notary Public, State of New York
Reg. No. 01WA6341458
Qualified in Greene County
Commission Expires MAY 02, 2024

AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:
VILLAGE OF BUCHANAN)

William Richard BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE RESIDES AT 187 Westchester Ave IN Buchanan IN THE COUNTY OF Westchester IN THE STATE OF New York THAT HE/SHE IS THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATED, LYING AND BEING IN THE VILLAGE OF BUCHANAN AFORESAID AND DESIGNATED AS TAX MAP SECTION _____ BLOCK _____ LOT(S) _____ OF THE BUCHANAN TAX MAP AND THAT HE/SHE HEREBY AUTHORIZES IN HIS/HER BEHALF THAT THE STATEMENTS OF FACT CONTAINED IN SAID APPLICATION ARE TRUE.

OWNER William Richard
ADDRESS 187 Westchester Ave
Buchanan NY 10511

SWORN TO ME THIS
8 DAY OF Feb, 2024
Keith Warner
NOTARY PUBLIC
COUNTY OF WESTCHESTER Columbia

KEITH WARNER
Notary Public, State of New York
Reg. No. 01WA6341458
Qualified in Greene County
Commission Expires MAY 02, 2024

NOTICE

TEN (10) COPIES OF THE APPLICATION AND ANY ATTACHEMENTS SHALL BE SUBMITTED TO THE CLERK'S OFFICE BEFORE THIS MATTER WILL BE PLACED ON THE PLANNING BOARD AGENDA. APPLICANTS MUST CONTACT VILLAGE ENGINEER GEORGE POMMER BEFORE THE MEETING AT: HAHN ENGINEERING, 1689 Route 22, BREWSTER, NY 10509 (845) 279-2220

OFFICE USE ONLY

CAL NO. _____

ESCROW AGREEMENT

This agreement is made this 8TH day of FEB, 2024, between WILL RICHARD, residing at _____, hereinafter referred to as the "Applicant", and the Planning Board [], Zoning Board [], Village Board of Trustees [] or Pre-submission Conference [] of the Village of Buchanan, hereinafter referred to as the "Village".

Whereas the Applicant is proceeding under Chapters 171 and _____ of the Code of the Village of Buchanan, seeking SUBDIVISION APPROVAL or wishing to have a Pre-submission Conference in the Village of Buchanan, and

Whereas, pursuant to Chapter 90 of the Code of the Village of Buchanan, the Board desires to establish an escrow account to cover the necessary and reasonable costs incurred by the approving authority (Board) for technical, legal, engineering, and other professional review of the application, whereby work to be performed by professionals employed by the Board will be paid for by the Applicant, as required under the provisions of the Code of the Village of the Village of Buchanan and pursuant to Local Law 11 of 2011, and

Whereas, both parties feel that it is appropriate to put this understanding in writing, the following as been agreed to by both parties:

1. The Board authorizes its professional staff to meet, study, review, and inspect all plans, documents, statements, improvements, applications and provisions made by the Applicant relating to the above-named project and to report to the Board all conclusions and findings, either orally or in writing as appropriate. The Applicant agrees to pay all professional fees incurred by the Village for the performance of the duties outlined above.
2. The Applicant and the Village, in accordance with the provisions of this Agreement, hereby create an escrow account, to be established with the Village Treasurer.
3. Applicant shall pay the Village, such sums as are required by the Treasurer or Administrator of the Village of Buchanan. Execution of this Agreement by the Treasurer or Administrator and the Applicant acknowledges receipt of the funds required upon application.
4. If, during the existence of this escrow agreement, the funds in escrow are insufficient to cover fees for professional services as described above during the evaluation of an application, Applicant shall, within 14 days of written notice of the insufficiency, deposit such additional sums with the Village as may be required by the Village Treasurer or Administrator to cover the expenses incurred. The notice of insufficiency shall be sent by the Village Treasurer or Administrator to the Applicant or his/her agent and shall include a record of all receipts and disbursements to date and the amount necessary to be posted, which may be up to 100% of the original amount, and which shall be paid prior to any additional professional services and/or by any next step in the approval process, including prior to the next scheduled meetings and/or Board meeting. If said additional funds are not deposited, all professional services will cease and the applicant will not be heard at any Board meeting.

5. The professionals employed by the Board shall submit vouchers to the Village, indicating the type and kind of services rendered, by Applicant name, and the time expended for each Applicant.

6. The Treasurer shall review each voucher submitted by each professional to determine whether the services were rendered as indicated. All vouchers shall be processed in accordance with established policies and procedures of the Village.

7. The Applicant shall retain the right of inspection of the escrow records, which may be arranged by contacting the Village Treasurer.

8. The Applicant may object to any payment from the escrow fund by giving three days' notice to the Treasurer and to any professional involved. The Applicant may appeal to the Board. The Board shall then review the payment made, utilizing the standards of reasonable cost and satisfactory performance of the task assigned. If the Board involved in the process agree that the fees were reasonable and satisfactory when compared with the task assigned, payment will be made to the consultant/professional involved.

9. Any and all interest payments resulting from or arising from the deposits of escrow funds shall revert to the Village, as compensation for services rendered in connection with the administration of this escrow agreement.

10. In the event that the amounts posted are more than required, the excess funds shall be returned to the Applicant within sixty (60) days after the project is completed, denied, or withdrawn.

11. In the event that the applicant is a corporation, partnership, limited liability company, or other than a person, this Escrow Agreement, and its terms, including payment of all invoices, vouchers, and escrow deposits is hereby personally guaranteed as indicated by the signature below.

APPLICANT: Will RICHARD DATE: FEB 8, 2024

Print Name: Will RICHARD

Address: 190 SOLLER HEIGHTS RD GLENT, NY 12075

Phone: (914) 438-0039

Email: MR.RICHARD33@GMAIL.COM

APPLICANT PERSONAL GUARANTEE William Richard DATE 2/8/24

Print Name: Will RICHARD
(if applicant is a corporation, partnership, or limited liability company)

TREASURER: _____ DATE: _____

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

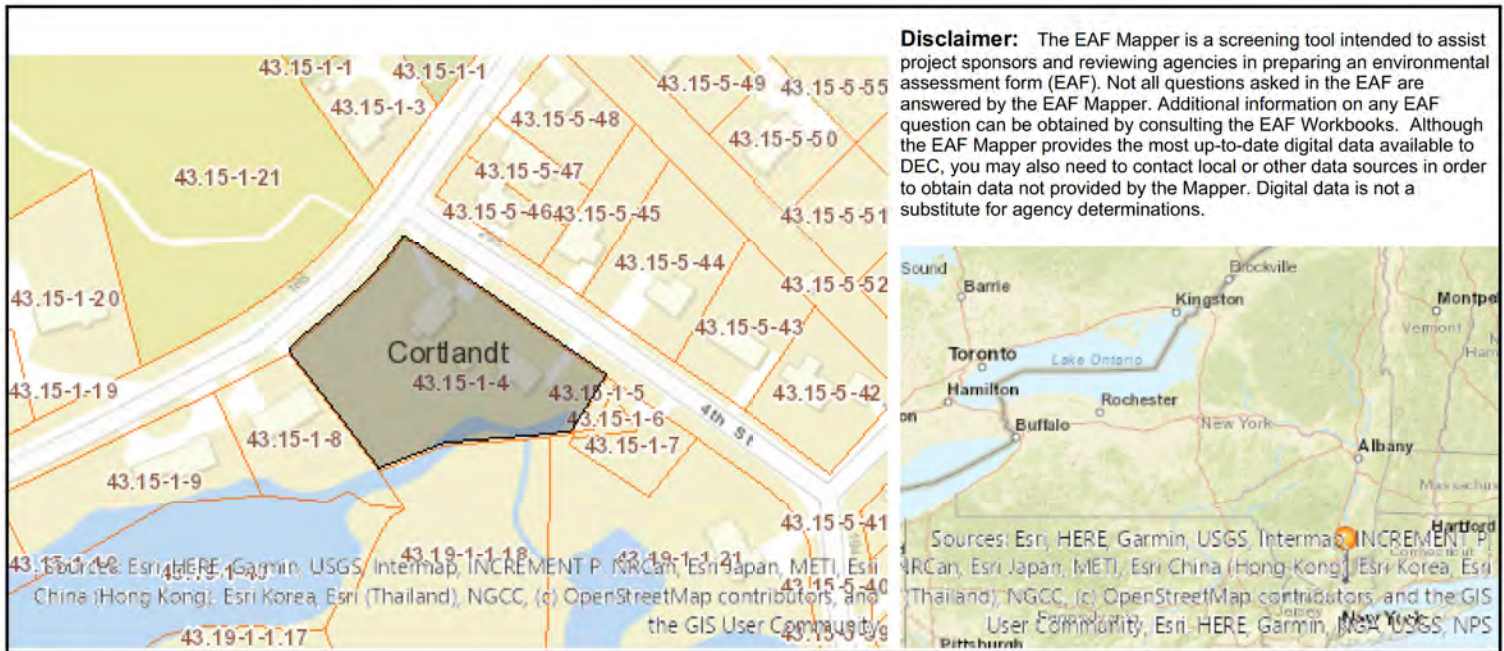
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Subdivision for Will Richard</i>			
Project Location (describe, and attach a location map): <i>Corner of Westchester Avenue and Fourth Street</i>			
Brief Description of Proposed Action: <i>Subdivision of a 0.89 acre parcel of land with two single family residences. The subdivision will result in each dwelling being situate on a separate parcel.</i>			
Name of Applicant or Sponsor: <i>Will Richard</i>		Telephone:	
		E-Mail: <i>mrrichard33@gmail.com</i>	
Address: <i>208 4th Street and 187 Westchester Avenue</i>			
City/PO: <i>Buchanan</i>		State: <i>NY</i>	Zip Code: <i>10511</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>Planning Board, WC Health Dept.</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>0.89</i> acres	
b. Total acreage to be physically disturbed?		<i>0.0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.89</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Name:Hudson River, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-00</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

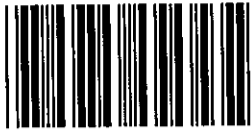
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Bald Eagle	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Keith Staudohar / Cronin Engineering PE PC</u> Date: <u>02-08-24</u>		
Signature: <u></u> Title: <u>Project Engineer</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Hudson River, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes



A04999155



DED2

6



*** DO NOT REMOVE ***

WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DED-DEED FEE PAGE 4 TOTAL PAGES 4
(SEE CODES FOR DEFINITIONS)

STAT'Y CHARGE	<u>5.25</u>
REC'ING CHARGE	<u>12.00</u>
RECMGT FUND	<u>4.75</u>
EA 5217	<u>25.00</u>
TP-584	<u>5.00</u>
CROSS-REF.	<u>0.00</u>
MISC.	<u> </u>

MORTGE. DATE	<u> </u>
MORTGE. AMT	<u> </u>
EXEMPT YES	<u>NO</u>

LIBER:	<u>12308</u>
PAGE:	<u>202</u>

REC'D TAX ON ABOVE MTGE:	
YONKERS	\$ <u> </u>
BASIC	\$ <u> </u>
ADDITIONAL	\$ <u> </u>
SUBTOTAL	\$ <u> </u>
MTA	\$ <u> </u>
SPECIAL	\$ <u> </u>
TOTAL PAID	\$ <u> </u>

THE PROPERTY IS SITUATED IN
WESTCHESTER COUNTY,
NEW YORK IN THE:
TOWN OF CORTLANDT

TOTAL PAID
52.00

\$ 0.00
CONSIDERATION

SERIAL NO.

DWELLING 1-6 NOT 1-6
DUAL TOWN
DUAL COUNTY/STATE

RECEIVED:

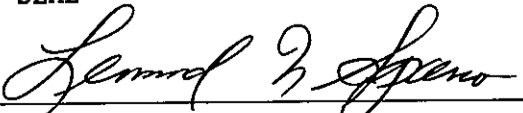
TAX AMOUNT \$ 0.00
TRANSFER TAX# 0015856

 HELD
 NOT HELD

TITLE COMPANY NUMBER: 01

EXAMINED BY LR03 RECORDING DATE 06/04/99

TERMINAL CTRL# 99155A049 TIME 11:56
DATE RETURNED

WITNESS MY HAND AND OFFICIAL SEAL

LEONARD N. SPANO WESTCHESTER COUNTY CLERK

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

DE)
4p
T-0

THIS INDENTURE, made the 29th day of April, nineteen hundred and ninety-nine

BETWEEN WADE RICHARD
GAIL RICHARD, husband and wife, residing at 187 Westchester Avenue, Buchanan, New York AND
FLORENCE WEISNER, residing at 208 Fourth Street, Buchanan, New York 10511

A049

party of the first part, and

WADE RICHARD
GAIL RICHARD, husband and wife
187 Westchester Ave.
Buchanan, New York 10511

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

VILLAGE OF BUCHANAN, Town of Cortlandt and County of Westchester, more particularly described in Schedule "A" annexed hereto.

BEING intended to be the same premises conveyed by Deed recorded in the Westchester County Clerk's Office dated January 26, 1987 and recorded on March 26, 1987, in Liber 8775 at Page 207

SUBJECT to the Life Estate of FLORENCE WEISNER, during her lifetime, for her use, occupancy and income in and to the hereinabove described premises.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Wade Richard
WADE RICHARD

Florence Weisner
FLORENCE WEISNER

Gail Richard
GAIL RICHARD

STATE OF NEW YORK, COUNTY OF Westchester

On the 29th day of April 1999, before me personally came

WADE RICHARD, GAIL RICHARD and FLORENCE WEISNER

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

John J. Klarl
NOTARY PUBLIC

JOHN J. KLARL
Notary Public, State of New York
No. 4898392
Qualified in Dutchess County
Commission Expires Aug. 31, 1999

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that be signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

WADE RICHARD, GAIL RICHARD & FLORENCE WEISNER

TO

WADE RICHARD & GAIL RICHARD

	<u>OLD</u>	<u>NEW</u>
SECTION	19.00	43.15
BLOCK	031	001
LOT	004	004

~~CORTLANDT~~ TOWN of Cortlandt
County of Westchester

RETURN BY MAIL TO:

WOOD & KLARL ESQS.
153 Albany Post Road
Buchanan, New York 10511

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
SECURITY TITLE AND GUARANTY COMPANY
CHARTERED 1928 **ST** IN NEW YORK

RECORDED AT REQUEST OF
R.G. AGENCY
228 NORTH DIVISION STREET
BOX 481
PEEKSKILL, NY 10566
(914) 739-2700
RETURN BY MAIL TO

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Buchanan, Town of Cortlandt, Westchester County, N.Y., bounded and described as follows:

BEGINNING at a point formed by the intersection of the southerly line of Westchester Avenue with the westerly line of Fourth Street; thence in a southwesterly and westerly direction along the southerly line of Westchester Avenue, about one hundred sixty (160) feet more or less to a Pin Oak Tree standing on the southerly side of said Westchester Avenue and the land heretofore conveyed by David J. Tate and Sarah Tate his wife, to August Rogati; thence southerly along the easterly line of said land conveyed to Rogati as aforesaid to the northerly line of Lake Meahagh and property now or formerly of the American Ice Company; thence easterly along the northerly line of said lake and brook or inlet to same and the lands of said American Ice Company to Fourth Street aforesaid; thence northwesterly along the westerly line of Fourth Street about two hundred fifty (250) feet more or less to the point and place of BEGINNING.

TOGETHER with all the right, title and interest of the party of the first part hereto if any, of, in and to one half of the highways immediately adjacent to said premises.

TOGETHER with such rights and interests of the grantor acquired through user of the lake known as Lake Meahagh adjacent to the premises for boating, bathing and fishing.

BEING the same premises conveyed to FRED G. WEISNER and FLORENCE WEISNER, his wife, by deed dated July 7th, 1950 and recorded on July 12th, 1950 in liber 4878 page 1 of deeds in the Westchester County Clerk's Office. The said FRED G. WEISNER, having died on May 19th, 1963 a resident of the County of Westchester, married to the said FLORENCE WEISNER.



V07787085

Standard N. Y. B. T. U. Form 8007

Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation

8775 PAGE 207

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 26th of January, nineteen hundred and eighty-seven BETWEEN FLORENCE WEISNER, residing at 208 Fourth Street, Buchanan, New York

party of the first part, and WAI 187 Westchesl residing at 2

d GAIL CHARD, his wife, both residing at Buchanan, New York and FLORENCE WEISNER, residing at Buchanan, New York

party of the second part, WITNESSETH, that the party of Ten and no/1.00 (\$10.00 lawful money of the United States by the party of the second part, do successors and assigns of the party

considered of dollars, valuable consideration paid and released into the party of the second part, the heirs or part forever the buildings and improvements thereon erected, situate, Town of Cortlandt, Westchester County, N.Y.,

ALL that certain plot, piece or parcel lying and being in the Village bounded and described as

tersect the southerly line of Westchester h Street in a southwesterly and westerly Westchester Avenue, about one hundred sixty feet more or less on the southerly side of said lot conveyed to August Rogat and Sarah Tate and their heirs and assigns by David J. Tate and Sarah Tate the easterly line of said land conveyed to August Rogat and Sarah Tate and their heirs and assigns by the American Ice Company, Inc. and property easterly along the northerly line of said American Ice Company, Inc. lands of said American Ice Company, Inc. westerly along the westerly line of said American Ice Company, Inc. more or less to the point and

BEGINNING at a point form Avenue with the westerly direction along the south (160) feet more or less Westchester Avenue and th his wife, to August Rogat conveyed to Rogat as afore now or formerly of the Am line of said lake and bro Company to Fourth Street of Fourth Street about to place of BEGINNING.

TOGETHER with all the right if any, of, in and to own

the party of the first part hereto, immediately adjacent to said premises.

TOGETHER with such right lake known as Lake Meahag

the grantor acquired through user of the premises for boating, bathing and fishing.

BEING the same premises by deed dated July 7th, of deeds in the Westche died on May 19th, 1963 FLORENCE WEISNER.

FRED G. WEISNER and FLORENCE WEISNER, his wife, married on July 12th, 1950 in liber 4878 page 1 of the County Clerk's Office. The said FRED G. WEISNER, having the County of Westchester, married to the said

The said premises are situated in the Village of Buchanan, Westchester County, New York, and are bounded as follows: on the north by the southerly line of Westchester Avenue, on the south by the southerly line of said lot conveyed to August Rogat and Sarah Tate and their heirs and assigns by David J. Tate and Sarah Tate, on the east by the easterly line of said land conveyed to August Rogat and Sarah Tate and their heirs and assigns by the American Ice Company, Inc. and property easterly along the northerly line of said American Ice Company, Inc. lands of said American Ice Company, Inc. westerly along the westerly line of said American Ice Company, Inc. more or less to the point and

more or less to the point and the southerly line of Westchester Avenue, about one hundred sixty feet more or less on the southerly side of said lot conveyed to August Rogat and Sarah Tate and their heirs and assigns by David J. Tate and Sarah Tate the easterly line of said land conveyed to August Rogat and Sarah Tate and their heirs and assigns by the American Ice Company, Inc. and property easterly along the northerly line of said American Ice Company, Inc. lands of said American Ice Company, Inc. westerly along the westerly line of said American Ice Company, Inc. more or less to the point and

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Charles Gallagher

Florence Weisner
FLORENCE WEISNER

STATE OF NEW YORK, COUNTY OF WESTCHESTER
On the 26th day of January 19 87, before me personally came

FLORENCE WEISNER
to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Charles B. Gallagher
Notary Public

CHARLES B. GALLAGHER
Notary Public, State of New York
No. 123456
On File in Westchester County
Tent. Co. No. 1/31 1989

STATE OF NEW YORK, COUNTY OF LIBER 8775 PAGE 209
On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Burgain and Sale Deed
WITH COVENANT AGAINST GRANOR'S ACTS
TITLE NO.

FLORENCE WEISNER
TO

WADE RICHARD and GAIL RICHARD
and FLORENCE WEISNER

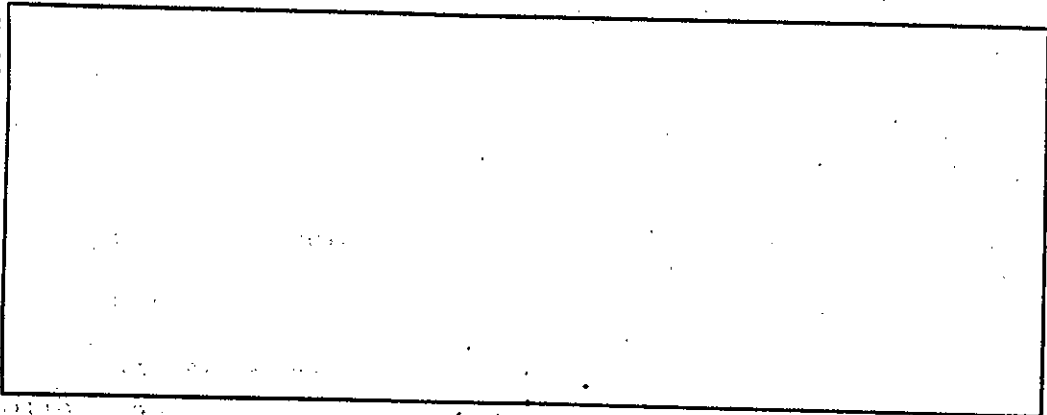
STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
SECURITY TITLE AND GUARANTY COMPANY
CHARTERED 1926 **ST** IN NEW YORK

SECTION 19
BLOCK 31
LOT 4.B
COUNTY OF CORTLAND Village of Buchanan
and Sec. 19, Block 31, Lot 4.00 - Town
of Cortlandt

RETURN BY MAIL TO:

CHARLES B. GALLAGHER, ESQ.
1011 Park Street P.O. Box 551
Peekskill, NY Zip No. 10566

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



LIBER 8775 PAGE 210



WESTCHESTER COUNTY CLERK RECORDING PAGE
(THIS PAGE IS PART OF THE INSTRUMENT)

TYPE OF INSTRUMENT DEED DATE _____
 STATUTORY CHARGE 5 MTGE AMT _____
 RECORDING CHARGE 9 EXEMPT YES _____ NO _____
 FILING CHARGE 1 REC'D TAX ON ABOVE MTGE _____
 CROSS REFERENCE _____ BASIC \$ _____
 CERT/RECEIPT _____ ADDITIONAL \$ _____
 DOD BY VR 15 SUBTOTAL \$ _____
 SPECIAL \$ _____
 TOTAL \$ _____
 SERIAL NO _____

RECEIVED
 WESTCHESTER COUNTY CLERK
 MAR 26 7 28 AM '87

- 02 BEDFORD
- 03 CORTLANDT
- 09 EASTCHESTER
- 11 GREENBURGH
- 12 HARRISON
- 16 LEWISBORO
- 17 MAMARONECK
- 19 MT KISCO
- 20 MT PLEASANT
- 21 MT VERNON
- 22 NEW CASTLE
- 23 NEW ROCHELLE
- 24 NORTH CASTLE
- 26 NORTH SALEM
- 28 OSSINING
- 30 PEEKSKILL
- 31 PELHAM
- 35 POUND RIDGE
- 36 RYE CITY
- 37 RYE TOWN
- 38 SCARSDALE
- 39 SOMERS
- 42 WHITE PLAINS
- 43 YONKERS
- 44 YORKTOWN

CONSID None

ANDREW J. SPANO
WESTCHESTER COUNTY CLERK

RECEIVED
 S. Spiano
 REAL ESTATE
 MAR 26 1987
 TRANSFER TAX
 WESTCHESTER
 COUNTY

14477

TERMINAL No 1075077 TRANSFER FEES NO _____ DATE RET'D _____

		SECTION	BLOCK	LOT	VILLAGE	TOWN	COUNTY
		RECORD AND RETURN TO:					

15.00

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:
 THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE
 TOWN CITY OF CORTLANDT, COUNTY OF WESTCHESTER
 N.Y. A TRUE COPY OF THE ORIGINAL DEED RECORDED
 IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF
 WESTCHESTER COUNTY ON MAR. 26, 1987 AT 7:25A M. IN
 LIBER 8775 PAGE 207 IN THE BOOK OF _____ Deeds
 WITNESS MY HAND AND OFFICIAL SEAL:
Andrew J. Spano
 ANDREW J. SPANO, COUNTY CLERK

**VILLAGE OF BUCHANAN
ZONING BOARD OF APPEALS**

Westchester County, New York

DECISION & ORDER

Petitioner(s): WILL RICHARD

File No.: 2024-04--ZBA

Address: 187 Westchester Avenue, Buchanan, NY 10511

Public Hearing Date(s): 05/15/2024

Property Location: 187 Westchester Avenue & 208 Fourth Street, Buchanan, New York 10511

Tax Map Designation:Section: 43.15 Block: 1 Lot: 4

Present Zoning District: R-20

Nature of Petition:

[] Use Variance [] Area Variance
[] Special Permit [] Interpretation [] Other

Variance for lot size.

The above referred to Petition, having been duly advertised in The Journal News, the official newspaper of the Village of Buchanan, and the matter having duly come to be heard before a duly convened meeting of the Board on the above dates, at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all of the facts, matters and evidence produced by the Petitioner(s), by Village officials and by interested parties having been duly heard, received and considered.

More specifically, the Board discussed that the current property is 40,000 square feet and has two (2) homes, each with its own driveway, sewer and water which were apparently approved over forty (40) years ago. The applicant has requested a variance in order to enable him to apply for a sub-division with the Village of Buchanan Planning Board wherein the one (1) lot would be divided into two (2) separate lots, one, as presented by the original submitted plans, would end up having 20,798.86 square feet and the second lot would have 18,214 square feet which, under the current Code, would be less than the required 20,000 square feet, thus requiring a nine (9%) percent variance for lot size.

A lengthy discussion ensued, including comments from the public. During the discussion, the applicant's engineer was asked whether he would be able to lessen the amount of variance required by shifting the proposed subdivision line shown on the plans. Engineer Jim Annicchiarico of Cronin Engineering advised that he could, in fact, do so leaving the larger of the lots with 20,000 square feet and the second lot having 19,012 square feet which would then equate to a variance from the required lot size of five (5%) percent, rather than the nine (9%) as originally requested.

The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the majority of the Board makes the following findings pursuant to Section 211-39 of the Village of Buchanan Code-entitled "Variances":

- (1) That the variance requested is not substantial in relation to the requirement.
- (2) That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.
- (3) That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.
- (4) That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance.
- (5) That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas.
- (6) That the requested variance is the minimum variance necessary to afford relief.
- (7) That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

Upon Roll Call Vote:

Chairman Gary Bell	<u> AYE </u>
Board Member Harmen Baaker	<u> NAY </u>
Board Member Mary Funchion	<u> AYE </u>
Board Member Marco Pinque	<u> NAY </u>
Board Member Ed Mevec	<u> AYE </u>

Vote: Resolution carried by a vote of 3 to 2 .

The Board specifically conditioned the approval of the Variance on the final lot subdivision having one lot with 20,000 square feet and the second lot having 19,012 square feet.

Applicant is **GRANTED** the following variance:

1. Variance from lot size from 20,000 square feet to 19,012 square feet based on plans to be submitted by Cronin Engineering.

NOW, THEREFORE, the Petition herein is granted as recited above, and it is further ordered that in all other respects Petitioner(s) comply with all of the rules, regulations and ordinances of the Village of Buchanan, the Building Department, the Village Engineer, and all other agencies having jurisdiction thereof.

Date Filed: May , 2024

GARY BELL
Chairman, Zoning Board of Appeals