

VILLAGE OF BUCHANAN
PLANNING BOARD
NOVEMBER 13, 2023

PRESENT: Jeffrey Faiella, Chairman
Eileen Absenger
Tracey Armisto
Nicolas Zachary
Marcus Serrano, Village Administrator
Stephanie Porteus, Village Attorney
George Pommer, Village Engineer
David Smith, Village Planner
Cindy Kempter, Village Clerk, Treasurer
Sharon Murphy, Deputy Village Clerk
Peter Cook, Building Inspector

ABSENT: Jennifer Bakker

OTHERS: Anthony Carbone, 3095 Albany Post Road LLC
Pasqualino Carbone, 3095 Albany Post Road LLC
Ralph Mastromonaco, Engineer
Joseph Thompson, Architect
Veronica Prezioso, Kimley Horn-Traffic Consultant
Mark Weingarten, Partner in DeBello Donnellan Weingarten Wise &
Wiederkehr, LLP
Stuart Lachs, Architect, Perkins Eastman
Ryan Sutherland, AMS
Kevin Masciovecchio, JMC, PLLC
Peter Feroe, AKRF

CALL TO ORDER:

Chairman Jeffrey Faiella called the meeting of the Planning Board to order at 7:00 P.M. and led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Faiella called for a motion to accept the minutes of September 28, 2023 as written. A motion was made by Eileen Absenger, seconded by Nicolas Zachary, with all in favor and Jennifer Bakker absent.

For the October 26 minutes, Nicolas Zachary stated he was questioning the graphic that he didn't think was very clear for the direction of the sun and there was a discussion which led to the applicant producing a graphic showing the shadows in different times of day in the summer, fall and winter and none of that is mentioned. In the next to last paragraph it is referenced that there was a light and shade study and when they take down the current trees the house will have more light. None of that discussion is on here.

Chairman Faiella called for a motion to accept the minutes as changed for the October 26 minutes. A motion was made by Eileen Absenger, seconded by Nicolas Zachary, with all in favor and Jennifer Bakker absent.

NEW BUSINESS:

The Planning Board's December meeting will be held on Wednesday, December 20, 2023.

Eileen Absenger stated that she knows she asks a lot of questions but there are reasons she does this. She does this because she is on the Board, for the residents who watch this and also for anyone that might read the minutes.

CALENDAR NO. 2-2023: Referral from Village Board of Trustees regarding an Application of Buchanan Dev AMS LLC for the Property Located on Albany Post Road

Chairman Faiella asked Mr. Smith if there was a flow chart of how this process works. He stated that the Planning Board never got feedback on the questions they asked. Mr. Smith stated that the application was made for the proposed rezoning of the property from a C1/C2 and M to the C2 Overlay and there were zoning text amendments that were also proposed. They were circulated as part of the environmental review process. There were conceptual site plans that were provided as part of that application package. Part of the zoning text amendments made the Village Board the approval agency for the site plan. However, there is a referral to the Planning Board for their input as part of the site plan review. That is where we are now. An application has been formally made to the Village Board for special permit and site plan approval. At their last meeting, the Village Board had the applicant formally submit their site plan materials to the Planning Board so you can begin the site plan process. This includes all the things that you have been doing in the past. You are looking at the site design, materials, landscaping, traffic circulation and parking. Those are the issues that the Village Board is asking of you. The results of your review will be provided to the Village Board for their consideration before any decisions are made on the site plan. This is your opportunity as a Board to ask the applicant questions about the site plan. Mr. Zachary asked about the timeline for the evening. Mr. Smith suggested the Planning Board have the applicant provide them. It is not a public hearing, but is an opportunity to ask the applicant questions. Mr. Zachary asked how their opinions and reactions be presented to the Village Board. Mr. Smith stated that all the comments and questions they raise will be responded to by the applicant. There will be a formal response back to the Village Board. Chairman Faiella asked about the questions they had the last time AMS presented. Mr. Smith responded

that that was a referral from the Village Board on zoning. Any comments raised will be summarized by his office and given to the Village Board. Mr. Zachary questioned if this will extend to another meeting. Mr. Smith responded that the Board should feel comfortable in understanding the site plan.

Mark Weingarten gave a presentation representing AMS in conjunction with the request for site development plan, special permit and steep slopes permit approval to permit the construction of 148 multifamily homes on the approximately six-acre site located at the intersection of Albany Post Road and Craft Lane. He gave a brief overview of the project which will consist of 63 one bedroom and 85 two-bedroom apartments with upscale amenities in a five-story building which is four stories over a one-story parking garage. They will provide 223 parking spaces. There will be a pool, a fitness center and a resident lounge. The proposal will beautify a long-time vacant property. They will make physical and aesthetic improvements to the street scape on Albany Post Road. The project contains significant benefit to the Village. They estimate approximately \$250,000 property tax to the Village. The project will create numerous construction jobs and activities that promote the business and in the long-term businesses here will have new residents that will be good for business. Empty nesters will relocate from their single-family homes and still remain in the Village. This will bring people with income to live in the Village and when they are ready to start a family buy single family homes.

Kevin Masciovecchio, JMC, PLLC gave a presentation on the design of the building and land. The southern side of the property has an existing pond. The steep slope areas are located in the northeast and southeast portion of the property. The building is placed away from the wetland buffer and as much outside of the steep slope areas as possible. They are not currently proposing a retail component, but they are leaving room in the site plan for a potential future retail site of 2,000 square feet. They would have to add additional parking in the steep slope area. The primary vehicle access point will be off of Craft Lane. There will be a secondary access for emergency vehicles on Albany Post Road. Mr. Smith stated that one of the comments raised during the zoning process was that occasionally the fire department needed access under the power lines. Mr. Masciovecchio stated they have not fully incorporated everything into the plan as of now with regard to the fire department connection. There will be one-way aisles and turn around lanes to help with circulation around the property. There is an area for loading, unloading and trash collection. There will be three means of access for residents to access the property with one of them being ADA accessible. Ms. Absenger questioned if the small strip of property by the hardware store will be a pedestrian walkway to meet the crosswalk. Mr. Masciovecchio responded it will meet the sidewalk. Village Administrator Serrano questioned if there will be a porter or super living on site. The answer is no, there will be a property management team taking care of the building. Mr. Masciovecchio stated that there will be twelve electric vehicle charging stations. Ms. Armisto questioned if the tenants will have designated parking spots. The response was the tenants will park in any available spot. Mr. Zachary questioned if there will be charging stations in the interior parking. The response is no. Mr. Zachary questioned if rechargeable scooters and bikes will be banned in this building. Mr. Weingarten responded this has not been thought about yet. Ms. Absenger questioned how did they determine twelve charging stations. Mr. Masciovecchio responded that it is 5% of the total parking spaces. Mr. Masciovecchio

showed the routes that are 26 feet wide to accommodate a fire truck. Chairman Faiella questioned if there will be standpipe connections in the parking garage and in the stairwells. Mr. Masciovecchio responded there will be fire hydrants near by and standpipes per code regulations. Mr. Zachary questioned what grass pavers are. Mr. Masciovecchio responded because they don't want to put down so much blacktop, grass grows in between the pavers so it looks like grass, but the firetruck will be able to drive on it. Mr. Masciovecchio explained how they will treat the stormwater. Some stormwater will go towards the existing pond and the rest toward Craft Lane. Water will be captured and treated before releasing it. Mr. Masciovecchio showed a slide of where the utilities that are servicing the building will be and another slide showing where the lighting will be around the property. Ms. Absenger questioned where the cameras will be located. Mr. Masciovecchio responded that camera locations have not been determine at this time. Mr. Masciovecchio explained that there will be trees, shrubs, perennials and grass covering to beautify the site. Ms. Armisto questioned if dogs are allowed in the building and where is the dog walking spot. Mr. Sutherland responded that they are still designing the courtyard above the parking garage and may have a dog run area up there or there will be section around the courtyard for dogs or they can walk the dogs around the property. Ms. Armisto questioned if there will be a limit on dog size. Mr. Masciovecchio stated there will be a 6' x 3' sign at the entrance. There will be a sidewalk from Craft Lane along the Albany Post Road frontage, including the hardware store and ending at the southern property line. They are proposing a crosswalk to have access to the existing sidewalk on the other side of Albany Post Road. There is an existing gravel area of the hardware store that allows them to circulate around their building that is encroaching on the AMS property. They are working on a proposed easement to allow the hardware store to continue to use this area.

Mr. Lachs showed a power point of the architectural features of the building. The main lobby entrance has a canopy. Chairman Faiella asked how high the canopy is. Mr. Lachs responded it is 12' high. The fire truck will go around the canopy. Mr. Lachs stated there are 148 apartments and there are 149 parking spaces in the garage. Chairman Faiella asked about the door where the trash comes out. Mr. Lachs responded they are proposing a roll up door. Ms. Absenger asked if there are ADA spaces in the garage. Mr. Lachs responded that by code they are required to have ADA spaces both within the garage and the exterior. Mr. Zachary questioned if the garage level is all open air around the perimeter or only along the back. Mr. Lachs responded that approximately 65%–70% is open around the north, west and south side. There will be security grills that will allow the free flow of air, but keep the people out. Chairman Faiella questioned where the drains will be for any flooding in the garage. Mr. Lachs replied that there will be a series of drains around the garage, but the location hasn't been determined yet. There will be two elevators and a trash room on every floor. Most apartments, but not all, have balconies that range from 40-100 square feet. Ms. Absenger suggested that there is no feeding of the birds on the balconies. Chairman Faiella questioned if grills would be allowed on the balconies. Mr. Sutherland replied that there will be common grill stations on the courtyard. They are looking at stone cladding at the base of the building, fiber cement siding and vinyl siding for the back of the building. Each apartment will have there own heating and air conditioning unit. The concrete slab between the parking level and the residential area above is a three-hour

slab, there is one-hour construction for the floor/ceilings between the apartment levels, one-hour construction between apartments and half-hour between your apartment and the corridor. All of the shafts are two-hour rated. The whole building and the garage level will be sprinklered.

Village Engineer Pommer stated that they received a 700-page document regarding stormwater that they will review. Village Planner Smith summarized questions that the applicant needs to address. He asked for a construction management plan. Building Inspector Cook stated that he is happy with the exterior material AMS will be using on the building. Ms. Absenger stated that she would like something done with the commercial spot along Albany Post Road. Mr. Weingarten replied that this is a balancing issue of where the parking spots go with the steep slopes. If it turns out that there is enough parking for the tenants, they may come back to the Board for a variance for a commercial spot. It has been designed for future use. Mr. Zachary questioned if any of the outside parking is assigned. Mr. Weingarten explained that as of now there are no assigned parking spots either in the garage or outside – it is first come, first serve. Chairman Faiella thanked them for their presentation.

A motion to continue this discussion and review of the AMS project on December 20th was made by Eileen Absenger and seconded by Nicolas Zachary with all in favor and Jennifer Bakker absent.

Tracey Armisto excused herself from the meeting at 8:40 as she recused herself from the Village Square Project.

OLD BUSINESS:

CALENDAR NO. 1-2023: Continuation of Public Hearing to Consider the Application of Carbone Brothers 3095 LLC Seeking a Special Use Permit, Subdivision and Site Plan Approval for Property Located at 3095 Albany Post Road (Village Square)

A motion was made to continue the public hearing by Nicolas Zachary, seconded by Eileen Absenger with Jeffrey Faiella in favor and Jennifer Bakker absent and Tracey Armisto recused.

Joseph Thompson explained that since the last meeting they have taken a lot of feed back from the Board and have made a number of improvements to the building and some site layout. Mr. Thompson showed an updated rendering of the buildings. They have added shutters, stone at the entry way, stone pillars at the entry way and lighting. At they rear of the building they added balconies. Approximately 60% of the units will have balconies. They have added washer/dryer hookups in every apartment so each unit will have the ability to have their own private washer/dryer unit. They have provided a fitness center and a business center. Chairman Faiella questioned how the dryer units will be vented. Mr. Thompson stated that most likely the vents will extend up to the roof. They will have bird screening and flaps on them. They will have regular maintenance. Ms. Absenger asked if they are eliminating washer and dryers in the

basement. Mr. Thompson replied yes. Ms. Absenger asked if Mr. Carbone is providing the washer/dryers. Mr. Thompson replied no. Ms. Absenger asked if there was an option of putting one washer/dryer in the basement. Mr. Thompson replied that if the tenant did not want to purchase a washer/dryer then they could go to the laundromat. Ms. Absenger asked the size of the balconies and is there screening in between each unit. Mr. Thompson replied that they are 4 feet deep. The larger size is twelve feet and the smaller size is eight feet with a partition in between. Village Administrator Serrano asked what type of material the balconies would be made of. Mr. Thompson replied probably a composite type decking. Barbeques will be prohibited on the balconies. Ms. Absenger said the tenants should not be allowed to feed the birds on the balconies. Chairman Faiella asked if they decided on what type of material will be used on the front of the building. Mr. Thompson passed around a sample of the vinyl siding. There was discussion of gutters and trim. Ms. Absenger is concerned about vinyl siding being faded by the sun. Chairman Faiella is concerned about the commercial drive through. Mr. Thompson explained that the reason the commercial building is set farther back than the apartments has to do with the grading of the property and the retaining walls. Chairman Faiella asked if they have been in contact with the fire department. Mr. Thompson responded they have had two meetings so far. There will be three fire hydrants so the property can be adequately serviced. Additional screening has been added on the southernmost building and the air conditioning unit has been relocated. Mr. Thompson explained that Mr. Mastromonaco did a brief study of the effect of the proposed buildings on the light and shade on the adjoining property to the north of the site. The work was performed by preparing a 3-D model of the adjoining house and the proposed buildings. 3-D trees were placed on the site and the site plan was geo-located using google earth to match the latitude and longitude of the site. Three months were chosen, January, June and September to give a range over the year. Time periods chosen were 9:00 A.M. and Noon. The results appeared to show that the proposed Village Square project would increase the amount of light under all circumstances studied and there would be little effect on the shading of the adjoining house throughout the year. Mr. Smith stated that the primary issue he was concerned about was the materials, finish and looks. After tonight's discussion he feels that that has been resolved. Ms. Absenger asked Mr. Carbone if there will be cameras around the buildings. She asked what the security will be when someone comes to the front doors. Mr. Thompson explained there will be surveillance coverage at the entryway and the parking lot. There will be keypad access with an electronic system that can be programmed to a cell phone and will also has a visual component so you can see who is at the door. Mr. Zachary is hesitant about the driveway in the commercial space. Mr. Zachary questioned about the recreation impact. The Village has a stipulation based on the number of units that require a recreation fee paid when there is no recreation created as part of the development. Mr. Thompson requested that the applicant be able to pay the fee in increments.

COMMENTS:

Paolo Chacon-Paul, 3109 Albany Post Road made public comment about the electrical grid and the new development. She questioned what type of tree would not grow so tall. Mr. Thompson suggested dog wood trees. Ms. Absenger said she should look at

cherry blossoms. Mr. Zachary suggested mixing three different types of trees. John Paul, 3109 Albany Post Road stated that for the record, the shade study is not accurate.

Mr. Smith stated that the Planning Board has an opportunity tonight to close the public hearing and leave a written comment period open for 10 days. They could direct staff to prepare resolution with certain conditions. One condition would be the questions that were raised by Mr. Pommer would need to be responded to. Another condition would be that NYS DOT would have to provide their input on the proposed improvements to Albany Post Road.

Mr. Thompson stated that they will create a draft landscaping plan to be shown to the Paul's and come up with something they all agree on.

A motion to close the Public Hearing allowing for a 10-day comment period which will end on November 24th was made by Nicolas Zachary, seconded by Eileen Absenger and with Jeffrey Faiella in agreement and Jennifer Bakker absent and Tracey Armisto recused.

EXECUTIVE SESSION:

At 10:12 PM a Motion to enter into executive session to discuss potential litigation was made by Nicolas Zachary, seconded by Eileen Absenger, with all in favor, and Tracey Armisto and Jennifer Bakker absent.

ADJOURNMENT:

At 10:17 PM a Motion to exit executive session was made by Nicolas Zachary, seconded by Eileen Absenger, with all in favor, and Tracey Armisto and Jennifer Bakker absent.

At 10:17 PM a Motion to adjourn this meeting was made by Nicolas Zachary, seconded by Eileen Absenger, with all in favor, and Tracey Armisto and Jennifer Bakker absent.