

VILLAGE OF BUCHANAN
PLANNING BOARD
DECEMBER 20, 2023

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

ABSENT: Tracey Armisto and Jennifer Bakker

OTHERS: Jorge Hernandez, RA, President of ARQ Architecture P.C. for
3176 Albany Post Road
Mark Weingarten, Partner in DelBello Donnellan Weingarten Wise &
Wiederkehr, LLP
Stuart Lachs, Architect, Perkins Eastman
Ryan Sutherland, AMS
Kevin Masciovecchio, JMC, PLLC
Peter Feroe, AKRF
Ralph Mastro Monaco, Engineer
Anthony Carbone, 3095 Albany Post Road LLC
Pasqualino Carbone, 3095 Albany Post Road LLC

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.

NEW BUSINESS:

CALENDAR NO. 3-2023: Application for Site Plan Review for 3176 Albany Post Road proposed mixed-use-building (§43.16-211).

Mr. Hernandez showed a power point presentation. He explained that this is a 2,200 square foot lot at the intersection of White Street and Albany Post Road. The current building is 1,400 square feet. The proposal is for a mixed-use building with a retail store at the bottom and two apartments upstairs. The access will only be from Albany Post Road. Part of the parking will be underneath the building. They have provided landscaping along White Street and Albany Post Road. The total size of the new building will be 4,000 square feet. Ms. Absenger questioned

how far back will the fencing go and what type of fencing. Mr. Hernandez said there will be landscaping on the outside of the fence. Mr. Hernandez stated that there will be eight parking spaces provided on the property. Ms. Absenger does not believe a butterfly bush is an indigenous plant. This should be replaced with a native species planting. Ms. Absenger questioned how far back into the hill do you go with the second apartment. Mr. Hernandez replied about 24 feet behind the new building which is 42 feet behind the current building. Ms. Absenger asked who the owner of the commercial store will be. Mr. Hernandez stated that he believes the owner of the property will maintain ownership of that. Mr. Zachary stated that he believes the gas tanks were removed and Mr. Hernandez replied that they were removed. Mr. Zachary questioned the height of the retaining wall and will there be a fence on top of that. Mr. Hernandez replied the retaining wall is eight feet and there is not a fence on top. Mr. Zachary questioned if the residents will enter underneath the parking canopy at the back and if there is access from White Street. Mr. Hernandez replied that there is no access. Both Mr. Zachary and Ms. Absenger would like to see access from White Street since there is parking allowed on White Street and any visitors would be able to park there and would not have to walk all the way around the building. Mr. Zachary questioned if they would need a side yard variance for the addition. Mr. Hernandez will go to the Zoning Board for the side yard variance. Mr. Smith has a few minor comments he will transmit to the applicant to make sure the EAF is up to date and accurate. Mr. Pommer stated the survey is different than what is on the plan. Mr. Hernandez will coordinate to make sure they are the same. Mr. Pommer stated they need drainage calculations. Mr. Pommer said that the sidewalk on White Street must go all the way to the front on Albany Post Road. Mr. Pommer asked about the parking spots and stated they would need turning points to demonstrate how that works. In addition, where is the loading spot and how will that work. Village Administrator Serrano mentioned that the applicant needs to look at the design guidelines in regard to the lighting and building details. Mr. Grealy stated that as part of the change in use, DOT would like to see the plan even though there is an existing curb cut and they will decide if you need a new permit or the current one is satisfactory.

OLD BUSINESS:

CALENDAR NO. 2-2023: Continued discussion regarding an application of Buchanan Dev AMS LLC for the Property Located on Albany Post Road, Buchanan as referred by the Village Board of Trustees.

Mr. Weingarten stated that he is representing AMS in connection 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. The permit approvals they are requesting are on referral to the Planning Board from the Village Board. They last met with the Planning Board on November 13, 2024. In response to all the questions and comments they submitted a letter dated December 6, attached revised plans, a construction management plan, a draft construction logistics map and specific answers to all the questions that were asked. Their engineers will be submitting a letter on the various engineering comments and questions.

Mr. Masciovecchio gave a presentation with the updates that were made on the design of the building and land. This is a multi-family building with parking below and at street level. They are providing 12 electric vehicle spaces. The remaining 62 surface parking spaces and 20 spaces in the garage will be wired for future electric vehicle spaces. Chairman Faiella asked if they

spoke to the fire department about the electric vehicle spaces in the garage. He is not in favor of those parking spaces. There was more discussion of potential lithium battery fires. Some stormwater will go towards the existing pond and the rest toward Craft Lane. Water will be captured and treated before releasing it into the existing stormwater system. They are proposing a green roof with planter areas and off the courtyard area there will be a larger planter area that will filter water through. Stormwater is also filtered through jellyfish filters and subsurface chambers. Mr. Zachary questioned how much rain water these can handle. Mr. Masciovecchio stated that they are rated for all type of storms but there is a bypass where the overflow will go right through the structure and not be treated. Village Administrator Serrano asked about maintenance. There will be lighting along Albany Post Road and lighting in the parking area and courtyard area. Ms. Absenger questioned the trees they will be planting along the sidewalk. Mr. Masciovecchio showed where the rock cuts will be in order to put in the building and the rock cut treatments. Chairman Faiella questioned how much water comes off the rock cut. Mr. Masciovecchio showed a slide with the landscaping throughout the property. There will be an additional sidewalk extension across the hardware store to where their frontage ends and continue on to meet the sidewalk in front of the Dunkin Donuts building. Ms. Absenger questioned if there will be access to the pond. The answer was there is no proposed access. There will be walking paths behind the building, but no path to the pond. Ms. Absenger asked if there was access out of the courtyard. There is no staircase that goes directly down to that grade. The courtyard is one level above on the south side of the building.

Mr. Lachs showed physical samples of the materials the board has requested. The concern at the previous meeting was finding vinyl siding that was compatible to the hardy board they are proposing. He showed example projects that they have previously completed. Chairman Faiella asked if there would be fencing around the pond area. The response was there will be no fence.

Ryan Sutherland showed a presentation of projects AMS has done. He showed some examples of the interior of some of the buildings.

Mr. Zachary questioned the wooden guardrail wrapping around the hardware store. He asked if the hardware store will still be able to go around their building. The answer is yes, they will have that easement. Mr. Zachary asked about the spacing of the lighting. He felt the lights were too far apart. Mr. Masciovecchio explained that with the height of the lighting they don't have to provide some many.

Mr. Grealy explained they have reviewed the traffic study and have had discussion with DOT. They met with the applicant's engineers and DOT Region 8 which included their permit group, right of way group, local permit engineer and traffic and safety group to discuss each project as it relates to both traffic and pedestrian impact and mitigation measures that would be required. On AMS there was a request to extend the sidewalk to the south. There were discussions on crosswalks to ensure that proper site lines were provided. There was a detailed discussion on the connectivity from the AMS project to the Village. The current proposal is a crosswalk on Albany Post Road to Lindsey Avenue. There are three stages in the DOT permit application. The DOT has completed stage 1 and now in stage 2 they get into some more of the design details. There was discussion about lighting and the spacing. They want to ensure that the spread of the lights and the highway work together. There was discussion about the crosswalk and using a RRFB which is a rapid rectangular flashing beacon which advises motorists of pedestrians in that area. There was discussion about signalization and turn lanes. DOT will

provide these details in the stage 2 review of the application. Even though the driveway is not connecting to Albany Post Road, DOT will require whatever improvements they want in connection with drainage, sidewalks and ADA compliance. DOT is actively involved in both projects. They did not raise any major problems with either project.

Mr. Smith stated that in the code that was amended that allowed the Village Board to do the approvals, there is a review and recommendation requirement which we are in right now. There is a 45-day requirement for the Planning Board to provide a response back.

Ms. Absenger questioned if the metrics of school age children are fairly accurate. Mr. Feroe responded that yes, they are confident. They use several different methods to determine the amount. Mr. Zachary questioned if any of the development they showed have shuttle service to local train stations. Mr. Weingarten responded that some of them do but they are much larger. There was one complex that they had to negotiate with the Town to stop the service because there were very few people using it. Ms. Absenger asked if there could be stairs from the courtyard to the grass area.

Mr. Pommer stated that the applicant is working on answers to their comments and they will review it and pass it on.

Mr. Smith explained that they need to send a recommendation back to the Village Board.

A motion was made to have staff prepare a memo summarizing the project including review of the engineering report and comments from the meetings was made Chairman Faiella, seconded by Eileen Absenger with Nicolas Zachary in favor and Tracy Armisto and Jennifer Bakker absent.

CALENDAR NO. 1-2023: Continued discussion considering 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, Buchanan, New York, 10511. (Village Square).

Mr. Mastromonaco had two concerns with the resolution. One was that the project had to be completed in three years; they would like to be able to extend that time if necessary. The other is concerning the retail parcel. Since they already went through the environmental and traffic studies they would like just to be able to come back for an amended site plan approval and architectural review when they get a tenant for that parcel.

Mr. Smith's recollection is that there was a lot of discussion with the Planning Board about the commercial piece and particularly the pedestrian activity coming from school to the site. He recalls that the applicants traffic engineer would supply some type of analysis that shows some recommendation about how to better manage that situation. They had reserved that commercial site as an open lot and would come back later when they had a tenant. He doesn't think there is anything wrong with what Mr. Mastromonaco is suggesting, but if they come back with an amended site plan proposal and the tenant has a drive-through, there should be some analysis of how the vehicular and pedestrian traffic will be managed for safety purposes. Other than that, what Mr. Mastromonaco is requesting is not unusual. Mr. Smith stated that according to the code there is a three-year requirement. That should be an amendment to the resolution. The

resolution does have an opportunity for extensions to the site plan that would be granted for good cause. The applicant can come back twice more to extend it.

Ms. Absenger questioned the recreation fee. Mr. Mastromonaco stated that what would be fair is that each time a permit is issued for one of the three buildings, than that portion of the recreation fee be payable in advance.

Mr. Grealy had discussion with DOT. DOT had concerns relative to the retail of the project. The traffic engineer and engineer had proposed certain improvements such as a left turn lane on Albany Post Road for those turning into the facility. The traffic study did look at the highest generating traffic use. They focused specifically on the relationship to the high school and the drop offs. Part of the DOT discussion included their traffic and safety group. The applicant proposed not only a turn lane but there is an existing cross walk and they proposed a RRFB (rapid rectangular flashing beacon). DOT will review that and will be a condition upon any approvals and that would be at the applicants cost. There was discussion on whether or not a regular traffic signal would be needed there. DOT's initial indication that no, it wouldn't satisfy the warrants for a regular signal. The way DOT left it was that as part of the permit review they will make the determination. Mr. Greeley stated that what Mr. Smith summarized is fine to move the project along with the residential with the understanding that they would have to come back in and whatever modifications DOT would want would be part of any conditions that the Village would place on them, subject to DOT requirements. There was a lot of discussion about sidewalks and lighting. The sidewalk along the entire frontage of the property would be in the DOT easement area. The applicant would likely need a use and occupancy permit for the lights because they will be in the right of way. There was a proposal for an additional crosswalk at Rockledge Avenue. DOT does not want a crosswalk at Rockledge Avenue due to site distance concerns. There was talk about continuing the sidewalk further north towards Dunkin Donuts. There is another property between this project and Dunkin Donuts. The applicants engineer and surveyor are looking into what can be done to continue the sidewalk. DOT is supportive of connectivity along the entire stretch.

Mr. Zachary questioned that when the board votes on the resolution are we voting to include the retail space as currently drawn or are we voting on the residential parcel and the retail space would come back before us later on. Mr. Mastromonaco replied that they requested that the board approve what they submitted, including the retail building, but they can't get a building permit until they get amended site plan approval. Mr. Zachary is very happy with the project but has expressed his feelings that it should not be a drive-thru. Ms. Absenger questioned if there will be any buffer near the wetlands so the buses won't be seen. Mr. Mastromonaco replied that there will be plantings. Mr. Smith stated that the resolution would be amended to have an additional condition under the conditions prior to the building permit. The language would read that the commercial site plan was approved as presented with the understanding that modifications may be required on the establishment of a tenant. The proposed tenant shall return to the Planning Board for amended site plan and architectural approval only to the extent of the necessary adjustments to the approved site plan and unless there are major changes to the previously approved site plan, traffic and environmental studies already provided shall suffice for the amended site plan approval by the tenant with the exception that its specific analysis of the vehicular/pedestrian circulation be provided as part of the subsequent submission.

A Resolution to Adopt a Special Permit, Site Plan, Wetlands, Steep Slopes and Preliminary Subdivision Plat Approval for Village Square Residential and Commercial Development at 3095 Albany Post Road was made by Nicolas Zachary, seconded by Eileen Absenger with Jeffrey Faiella in approval and Tracey Armisto and Jennifer Bakker absent.

RESOLUTION
Adopted at the December 20, 2023 Meeting of the
Village of Buchanan Planning Board

RESOLUTION: SPECIAL PERMIT, SITE PLAN, WETLANDS, STEEP SLOPES AND
PRELIMINARY SUBDIVISION PLAT APPROVAL
PROPOSED: Village Square Residential and Commercial Development
LOCATION: 3095 Albany Post Road (NYS Route 9A)
TAX MAP
DESIGNATION: Section 43.20-2-6
ZONING: C-2 General Commercial District

WHEREAS, on or about December 2, 2022, representatives of Carbone Brothers 3095 LLC (the “Applicant”) did submit an initial application to the Village of Buchanan Planning Board (the “Planning Board”) for C-1/C-2 Overlay District Special Permit, Subdivision and Site Plan approval and other related approvals for the development of approximately 4.87 acres of real property located at 3095 Albany Post Road (the “Subject Site”) in the Village of Buchanan; and

WHEREAS, the Applicant seeks to develop the Subject Site with 51 multi-family residential units proposed in three separate buildings supported by 102 at-grade parking spaces, a 2,275± square foot commercial building supported by 10 at-grade parking spaces and a 17,358± s.f. stormwater wetland system design consistent with NYS DEC Stormwater Design Manual (collectively the “Proposed Project”); and

WHEREAS, the Applicant is also seeking to subdivide the Subject Site into two parcels, one for the residential component (the “Residential Lot”) and the other for the retail component (the “Retail Lot”), the establishment of the C1/C2 Zoning Overlay designation and special permit under the C1/C2 Overlay for the Residential Lot and site plan approval for the Commercial Lot which, along with the Proposed Project, constitutes the Proposed Action under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board after a thorough review of the Application and pursuant to §83-11 of the Village Code did classify the Proposed Action as Type 1 under SEQRA; and

WHEREAS, on or about 1/6/23, the Planning Board did circulate a Notice of Intent to Act as Lead Agency and using all due diligence, circulated said Notice to a list of Interested or Involved Agencies and received comments from just NYS DOT and Westchester County, neither of which objected to the Planning Board assuming the role of Lead Agency; and

WHEREAS, the Planning Board, it’s staff and consultants worked with the Applicant on supplementing the initial Application with additional material related to informing the Planning Board and the public with additional information regarding the anticipated impacts of the Proposed Action; and

WHEREAS, the Planning Board has reviewed the following materials:

- Application package received on or about 12/2/22 consisting of:
 - Cover letter from Ralph G. Mastromonaco, dated 11/30/22
 - Application form signed by Anthony Carbone, dated 11/21/22
 - General Project Overview and Architectural Renderings
 - Stormwater Pollution Prevention Plan, dated 11/21/22
 - Wetland Functional Assessment, dated 11/2022 prepared by Tim Miller Associates, Inc
 - Full Environmental Assessment Form (EAF) dated 11/29/23 signed by Ralph G. Mastromonaco
 - Wetland Restoration/Enhancement Plan, last revised 10/28/22, prepared by Tim Miller Associates, Inc
 - Site Plan Drawing Set including (all prepared by Ralph G. Mastromonaco, P.E. P.C. dated 11/23/22):
 - Site Plan
 - Utility Plan

- Erosion Control Plan
- Road Profiles/ Sections
- Details/Notes
- Review memos prepared by James J. Hahn Engineering, P.C. dated 1/13/23, 7/21/23, 8/18/23, 10/18/23 and 11/14/23
- Review memos from Colliers Engineering & Design dated 7/24/23, 8/23/23, 11/21/23
- Review memos from Planning & Development Advisors dated 1/19/23, 2/6/23, 3/7/23, 7/26/23, 8/17/23 and 9/25/23
- Review memos from Paul Jaehnig, dated 8/20/23 and 10/15/23
- Correspondence from the following:
 - Westchester County Department of Planning dated 2/3/23 and 9/25/23
 - NYS DOT dated 1/31/23, 9/28/23, and 12/12/23
 - NYS DEC dated 4/12/23
 - R.C. Church of St. Christopher and St. Patrick dated 9/26/223
 - John Speechly dated 9/28/23
 - Chris Connity, dated 9/28/23
 - Eric Phoon, dated 9/18/23
 - Gerard's Pizza & Pasta dated 9/27/23
 - John Paul, dated 9/27/23
 - Ali Bepiraj, dated 9/27/23
 - Yong Wang, dated 9/27/23
 - Brian Siahpoosha, dated 9/27/23
 - Maria Sanango, dated 9/27/23
 - Ralph Mazzacone, dated 9/14/23
 - Cynthia Harris dated 11/8/23
 - Paola and John Paul dated 11/24/23

WHEREAS, on or about 7/20/23 the Applicant did submit the following to the Planning Board:

- Transmittal letter from Ralph G. Mastromonaco, dated 7/17/23;
- Letter from Ralph G. Mastromonaco, dated 7/20/23 responding to Village of Buchanan consultants;
- Memo from Joseph Thompson Architect dated 7/20/23 responding to the Village's Design Guideline criteria
- Economic and Fiscal Analysis prepared by Carbone Brothers 3095 LLC dated 7/17/23;
- Traffic Impact Study prepared by Kimley-Horn Engineering, dated 5/2023
- Utility Easement graphic prepared by Ralph G. Mastromonaco dated 7/14/23
- Revised SWPPP dated 7/17/23
- Updated Full EAF dated 7/20/23
- Slope Map prepared by Ralph G. Mastromonaco, dated 7/14/23
- Response to Zoning Board comments
- Site Plan Drawing Set, prepared by Ralph G. Mastromonaco, including:
 - Site Plan/Preliminary Plat, last revised 6/28/23
 - Utility Plan, last revised 6/28/23
 - Erosion Control Plan, last revised 6/28/23
 - Existing Conditions, dated 6/12/23
 - Road Profiles/Sections dated 11/23/22
 - Details/Noted last revised 6/28/23

WHEREAS, on or about 8/10/23 the Applicant did submit the following to the Planning Board:

- Updated Project Overview, dated 8/10/23
- Special Permit Analysis prepared by Ralph G. Mastromonaco, dated 8/2/23
- Comprehensive Plan Analysis prepared by Joseph Thompson Architect, dated 8/3/23
- Updated Economic and Fiscal Analysis prepared by Carbone Brothers 3095 LLC dated 8/7/23;
- Steep Slopes Analysis prepared by Ralph G. Mastromonaco, dated 8/2/23
- Response memo to Planning & Development Advisors prepared by Ralph g. Mastromonaco dated 8/8/23
- Response memo to NYSDEC prepared by Ralph G. Mastromonaco, dated 8/7/23
- Response memo to Hahn Engineering prepared by Ralph g. Mastromonaco, dated 8/10/23
- Wetland Functional Analysis prepared by Tim Miller Associates dated 11/2022

- SWPPP prepared by Ralph G. Mastromonaco dated 11/21/22
- Slope Map prepared by Ralph G. Mastromonaco dated 8/2/23
- Landscaping Plan prepared by Joseph Thompson Architect, last revised 8/10/23
- Enlarged Landscaping Plan prepared by Joseph Thompson Architect, last revised 8/10/23
- Landscaping Details, prepared by Joseph Thompson Architect, last revised 8/10/23
- Monument Sign, prepared by Joseph Thompson Architect, last revised 8/10/23
- Site Lighting Plan prepared by Joseph Thompson Architect, last revised 8/10/23
- Site Lighting Details prepared by Joseph Thompson Architect, last revised 8/10/23
- Sketch Plan prepared by Ralph G. Mastromonaco dated 9/8/23
- Preliminary Plat prepared by Ralph G. Mastromonaco dated 8/10/23
- Site Plan/Preliminary Plat prepared by Ralph G. Mastromonaco dated 8/2/23
- Utility Plan prepared by Ralph G. Mastromonaco dated 8/2/23
- Erosion Control Plan prepared by Ralph G. Mastromonaco dated 8/7/23
- Existing Conditions prepared by Ralph G. Mastromonaco dated 6/12/23
- Road Profiles/Sections prepared by Ralph G. Mastromonaco dated 11/23/22
- Sewer Profile/Details prepared by Ralph G. Mastromonaco dated 8/2/23
- Details/Notes prepared by Ralph G. Mastromonaco dated 8/10/23

WHEREAS, the Applicant did provide the Planning Board with a copy of a letter to the US Army Corps of Engineers (ACOE) dated 8/18/23 regarding the proposed wetland disturbance; and

WHEREAS, the Applicant did provide the Planning Board with a response to comments from Colliers Engineering & Design by Kimley Horn dated 8/10/23, 8/12/2023, and 8/22/23; and

WHEREAS, on or about 10/12/23 the Applicant did submit to the Planning Board the following:

- Response to comments from Hahn Engineering prepared by Ralph G. Mastromonaco dated 10/12/23
- Site Plan/Preliminary Plat prepared by Ralph G. Mastromonaco dated 10/9/23
- Utility Plan prepared by Ralph G. Mastromonaco dated 10/9/23
- Erosion Control Plan prepared by Ralph G. Mastromonaco dated 9/22/23
- Existing Conditions prepared by Ralph G. Mastromonaco dated 6/12/23
- Road Profiles/Sections prepared by Ralph G. Mastromonaco dated 11/23/22
- Sewer Profile/Details prepared by Ralph G. Mastromonaco dated 8/2/23
- Details/Notes prepared by Ralph G. Mastromonaco dated 8/10/23
- Standard Details prepared by Ralph G. Mastromonaco dated 9/18/23
- Preliminary Plat prepared by Ralph G. Mastromonaco dated 10/9/23
- Garbage Truck Access Plan prepared by Ralph G. Mastromonaco dated 9/22/23
- Adjoining Property Section Plan prepared by Ralph G. Mastromonaco dated 10/10/23
- Title Sheet prepared by Joseph Thompson Architect date 10/11/23
- Full Site Landscaping Plan prepared by Joseph Thompson Architect date 10/11/23

WHEREAS, the Applicant supplemented the 10/12/23 submission with the following:

- Preliminary Striping Plan/Utility Plan prepared by Ralph G. Mastromonaco dated 10/18/23
- Site Plan/Preliminary Plat prepared by Ralph G. Mastromonaco dated 10/26/23
- Letter response to NYSDOT prepared by Kimley Horn dated 10/25/23
- Phase 1 Environmental Assessment prepared by WCD Group dated 1/7/19 and Phase 2 Environmental Assessment prepared by WCD Group dated 3/13/19
- DOT Right of Way Exhibit
- Survey of Property prepared by Baxter Land Surveying, P.C dated 10/13/04; and

WHEREAS, on or about 11/13/23 the Applicant submitted to the Planning Board the following:

- Temporary Construction Office Plan prepared by Ralph G. Mastromonaco dated 11/10/23
- Light and Shade Study by Season and Time of Day prepared by Ralph G. Mastromonaco dated 11/3/23
- Specification Sheets Monogram™ Vinyl Siding
- Revised Full EAF dated 11/20/23
- Application to USACOE prepared by Tim Miller Associates dated 11/4/23
- Architectural Plan Set including:
 - o Title Sheet prepared by Joseph Thompson Architect, last revised 11/7/23
 - o Front Entrance Renderings (two) prepared by Joseph Thompson Architect, last revised 11/7/23
 - o Ground Floor Architectural Plan prepared by Joseph Thompson Architect, last revised 11/7/23

- First Floor Architectural Plan prepared by Joseph Thompson Architect, last revised 11/7/23
- Second Floor Architectural Plan prepared by Joseph Thompson Architect, last revised 11/7/23
- Third Floor Architectural Plan prepared by Joseph Thompson Architect, last revised 11/7/23
- Front Elevation prepared by Joseph Thompson Architect, last revised 11/7/23
- Left/Right Elevation prepared by Joseph Thompson Architect, last revised 11/7/23
- Back Elevation prepared by Joseph Thompson Architect, last revised 11/7/23
- Details prepared by Joseph Thompson Architect, last revised 11/7/23
- Full Site Landscaping Plan prepared by Joseph Thompson Architect, last revised 11/7/23

WHEREAS, on 9/28/23, the Planning Board opened a public hearing on the Application in which all members of the public were invited to attend and comment on the Application. The public hearing was closed on 11/13/23 but a 10-day written comment period was provided; and,

WHEREAS, the site plans were reviewed and comments sought from the Village's Fire Department; and,

WHEREAS, on or about 12/5/23 the Applicant did submit to the Village the following:

- Updated Stormwater Report and SWPPP dated 11/28/23 prepared by Ralph G. Mastromonaco
- Site Plan/Preliminary Plat prepared by Ralph G. Mastromonaco dated 11/28/23
- Utility Plan prepared by Ralph G. Mastromonaco dated 11/28/23
- Erosion Control Plan prepared by Ralph G. Mastromonaco dated 11/28/23
- Existing Conditions prepared by Ralph G. Mastromonaco dated 6/12/23
- Road Profiles/Sections prepared by Ralph G. Mastromonaco dated 11/28/23
- Sewer Profile/Details prepared by Ralph G. Mastromonaco dated 11/28/23
- Details/Notes prepared by Ralph G. Mastromonaco dated 11/28/23
- Standard Details prepared by Ralph G. Mastromonaco dated 9/18/23
- Preliminary Plat prepared by Ralph G. Mastromonaco dated 11/28/23

WHEREAS, pursuant to 6 NYCRR Part 617, the SEQRA regulations, the Planning Board has made the following findings and caused, noted or conducted the following activities:

1. Received a completed application and application fee;
2. Requested, received and considered comments from the Village Engineer, Village Attorney, Village Planner and Building Inspector about the proposed project which were provided in written form or discussed with the Board during the course of the Planning Board meetings;
3. Requested, received and reviewed a Long Environmental Assessment Form;
4. Held a duly noticed public hearing; and
5. Considered the factors set forth in Village Code Chapter 171 Subdivision of Land, Chapter 211 Zoning Article VI, §211-24.1 C1/C2 Overlay District, Article VII Site Development Plan Approval, Article X Special Permit Uses, Chapter 165 Steep Slopes and Chapter 203 Wetlands.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

RESOLVED, that having reviewed the entire record as noted above, in relation to the Special Permit, the Planning Board considered the following Special Permit criteria outlined in §211-42.B. and finds that the Proposed Action is consistent with each:

- (1) That all proposed structures, equipment or material are readily accessible to fire and police protection.
- (2) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- (3) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.
- (4) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

- (5) The impact of the proposed use shall not engender avoidable impacts upon the environment of the site or adjacent lands and that any such impacts will be the minimum necessary to accommodate the proposed use, and further that there shall be the maximum preservation of unique ecological or environmental assets particularly as such effect the value and viability of adjacent areas; and be it further

RESOLVED, that the Planning Board has considered the criteria in Section 211-25 of the Village Code related to Site Plan review including:

- (1) The design of the Proposed Project is harmonious in the relationship to the proposed buildings and adjacent properties and streets.
- (2) Access to the Project Site has been designed for maximum safety and convenience of vehicular and pedestrian use
- (3) Adequate water and sewer service are provided to the Project Site with stormwater addressed through the creation of a stormwater wetland system. Solid waste disposal will be provided by private carting service.
- (4) While the Proposed Project includes wetland disturbance, the Applicant has proposed a mitigation program of enhanced wetland plantings and design which mitigates the potential impacts of stormwater management. Given prior site use the Applicant will be required to incorporate a sub-slab-depressurization system for any new on-site structures that have sensitive uses (e.g., residential occupancy).
- (5) The Applicant has provided documentation as to how the Proposed Action is consistent with the Village of Buchanan Comprehensive Plan and C1/C2 Overlay District Design Guidelines; and be it further

RESOLVED, considered the proposed building design in light of the purposes for design review as outlined in Article 7, §211-26.A. Design, with respect to architectural design of buildings, signs and other structures and finds that the design as depicted on the Architectural Plans and finds that the design is consistent with and has a harmonious relationship with the Project Site and adjacent properties and streets.; and be it further RESOLVED, the Planning Board has considered the standards and requirements for the granting of the requested wetland permit and steep slopes permit and that said permits are hereby granted; and be it further RESOLVED, the Planning Board after review of the materials submitted, public comments and recommendations and the EAF has determined that the Proposed Action with the identified mitigation minimizes environmental impacts to the maximum extent practicable and hereby adopts the Environmental Findings as the Planning Board's Involved agency environmental findings statement pursuant to 6 NYCRR Section 617.11(c); and be it further

RESOLVED, that said Application is hereby granted approval and the Applicant may obtain the endorsed approval of the Planning Board Chair on a copy of this resolution and upon the site plan drawings and preliminary subdivision plat, which endorsement shall permit filing in the Buchanan Building Department for purposes of obtaining building permits in accordance with this resolution and all building code requirements subject to conditions and modifications identified below:

1. This approval shall expire if the following modifications and conditions have not been completed to the satisfaction of the Planning Board and the Village Building Department: submission of a satisfactory building permit application for building construction within one year of the date of the adoption of the site plan approval, subsequent construction commencing within six months of the date of building permit issuance and thereafter diligently pursued and construction completed within three years of the issuance of the building permit. Opportunity for extensions of the site plan approval to be granted for good cause by the Planning Board at the request of the Applicant for periods of six months each. Any material change to the Site Plan resulting from an approval required by another approving entity (e.g., NYS DOT, Army Corps of Engineers) shall require the Applicant to appear before the Planning Board for a Site Plan Amendment.

CONDITIONS PRIOR TO ENDORSEMENT OF SITE PLAN

The following conditions shall be completed by the Applicant prior to the endorsement of the Site Plan by the Planning Board Chairman:

2. This Site Plan Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as delineated on the Site Plan as endorsed by the Chairman. Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Planning Board of an amended Site Plan.

3. Documentation, sufficient in form and substance for the Village Engineer that the list of items outlined in the Village Engineer's 11/14/23 correspondence have been incorporated onto the Site Plan drawings or otherwise addressed.
4. As per §211-28.B. of the Village Code the Applicant shall be required to post a performance bond or other type of acceptable monetary guaranty which shall be in an amount determined by the Planning Board and Village Engineer and in a form satisfactory to the Village Attorney.
5. As per §211-28.C. the Applicant is required to post a maintenance security which shall guarantee the upkeep of the landscaping, screening and safety devices and ensure the general cleanliness and proper housekeeping of the grounds and environment of the site development plan.
6. The Applicant shall pay to the Village of Buchanan any outstanding professional review fees in accordance with §211-28.D. of the Village Code.
7. As part of the Phase II Environmental Site Assessment (page 10), dated 3/13/19 it was noted that future site development should be conducted with an awareness for the potential presence of poor-quality subsurface soils, which may require special handling. Given that groundwater may exhibit petroleum odors, consideration should be given to the use of sub-slab-depressurization systems at any new on-site structures that have sensitive uses (e.g., residential occupancy). The Architectural plans shall be updated to include this requirement.
8. The Applicant shall furnish the Village with three (3) print sets of the Site Plan as described above, for endorsement by the Chair, as the approved Site Plan and an electronically scanned version of the approved plans.
9. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Site Plan by the Chairman, one print set will be returned to the Applicant, one set shall be retained by the Planning Board as a record copy, and one set provided to the Building Inspector.

CONDITIONS PRIOR TO SIGNING THE SUBDIVISION PLAT

10. Conditions 1 through 8 above have been satisfied.
11. The requirements of §171-9 of the Village Code have been met to the satisfaction of the Building Inspector.

CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

12. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1-11.
13. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and filed Site Plan. The Building Inspector shall include reference to the Site Plan and this Resolution of Approval on any Building Permit.
14. The Applicant shall provide building construction drawings documenting full compliance with the New York State Uniform Fire Prevention and Building Codes.
15. The Applicant shall pay the Village of Buchanan application, permit, and review fees as required by the Village Code, as approved by the Village Attorney.
16. The Planning Board having found that there is a need for recreation areas in the Village, including improvement of existing recreation areas; that the new residential units for this project will increase demand on the Village's recreation needs and presents a proper case for requiring a park or parks suitable located for recreational purposes; and suitable parks or recreation areas of adequate size could not be located on the site, and that a recreation set aside was not possible, a fee in lieu thereof was indicated. (See, See, Village Law § 7-725 and §7-730). Prior to the issuance of a building permit for any of the individual multi-family residential buildings, the Applicant shall pay to the Village the required recreation fee as outlined in §211-27.1 and §171-11 of the Village Code.
17. In accordance with §90-7 and §211-28 of the Village Code, fees shall be provided by the Applicant to the Village in an amount be established by the Village Administrator be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal and other professional and technical services required for the proper and thorough review of an application.
18. A performance bond and maintenance security, prepared in form, surety and manner of execution to the satisfaction of the Village Attorney, and in the amount to be established by the Planning Board, or alternatively by the Village Consulting Engineer in accordance with the requirements of

§167, §171 and §211 of the Village Code, shall be provided to assure the completion of all improvements by a specific date.

19. All signage shall be constructed and installed in conformance with §211-20 of the Zoning Code, and the required permit shall be obtained prior to installation.
20. Provision of landscape maintenance bonds to remain in effect for two years to ensure landscape plantings are established and maintained in a healthy and vigorous growing condition. The extent of the bonds to be determined by the Village Building Inspector and Village Administrator in consultation with the Applicant and in a form satisfactory to the Village Attorney.
21. Provision of a copy of the NYSDOT Highway Work Permit and USACE as applicable.
22. Documentation sufficient in form and substance to the Village Attorney and Building Inspector, that an on-going invasive species management program will be place consistent with the Wetland Functional Assessment and Mitigation report prepared by Tim Miller Associates, dated November 2022.
23. The commercial site plan is approved as presented with the understanding that modifications may be required upon the establishment of a tenant which shall require the tenant to return to the Planning Board for amended Site Plan and Architectural approval only to the extent of necessary adjustments to the approved Site Plan, and unless there are substantial changes to the previously approved Site Plan, the traffic and environmental studies already provided shall suffice for the amended Site Plan approval by the commercial tenant with the exception that a specific analysis of the vehicular/pedestrian circulation be provided as part of any subsequent submission.

CONDITIONS PRIOR TO ISSUANCE OF A TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY

22. As required by §211-32 of the Village Code, submission of as-built building plans and an as-built survey prior to the issuance of any Temporary or Permanent Certificate of Occupancy (C of O). The as-built plans shall be reviewed by the Village Consulting Engineer. Any material change from the site plan approved as part of this RESOLUTION shall require the Applicant to seek an amendment to the Approved Site Plan.
23. Completion of all traffic mitigation measures including all pedestrian and roadway improvements identified by the NYSDOT as well as the Village traffic consultant.

ADJOURNMENT:

At 9:29 PM a Motion to adjourn this meeting was made by Eileen Absenger, seconded by Nicolas Zachary, with Jeffrey Faiella in favor, and Tracey Armisto and Jennifer Bakker absent.