

VILLAGE OF BUCHANAN  
PLANNING BOARD  
MAY 23, 2024

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: Jim Annicchiarico, Cronin Engineering  
Bernard Calabro, Gallon Measure  
John Lentini, Architect for 182 Lindsey Avenue  
Theresa Knickerbocker, 182 Lindsey Avenue

**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.

**APPROVE MINUTES:**

April 24, 2024 Planning Board Minutes

A motion to approve these minutes was made by Ms. Armisto, seconded by Mr. Zachary with all in favor.

**OLD BUSINESS:**

CALENDAR NO. 3-2023: Continuation of a Public Hearing for Site Plan Review for 3176 Albany Post Road Proposed Mixed-Use-Building (§43.16-211).

A motion to re-open the public hearing was made by Ms. Absenger, seconded by Ms. Armisto with all in favor.

Village Administrator Serrano stated that the applicant is working on comments raised by the Village Engineer, so he asked that this be adjourned so he can finish the comments for the next meeting.

A motion to adjourn the public hearing until June 27, 2024 was made by Chairman Faiella, seconded by Mr. Zachary, with all in favor.

**NEW BUSINESS:**

**CALENDAR NO. 2-2024: Site Plan Application for 3106 Albany Post Road (§43.20-1-22 Gallon Measure).**

Mr. Jim Annicchiarico with Cronin Engineering is representing the Calabro's in this application for a modest expansion of the ground floor with three apartments on the second floor. The second floor will also include an office area for the business. In the package they have submitted a preliminary site plan, survey, architectural plans, and floor plans. The first floor will consist of five service bays. Currently there are three bays with an additional one out back on a concrete pad.

Ms. Absenger had questions on the short form: What public transportation is available at the site? Mr. Smith responded that it is the Bee Line bus. Does any portion of the site of the proposed action or land adjoining the proposed action contain wetlands or other water bodies related by Federal, State or local agencies? Mr. Smith replied that when you use the Mapper program for DEC it automatically fills in certain boxes. Mr. Zachary asked if the body of water should be filled in on the form. Mr. Annicchiarico replied that yes, it should be filled in. Will the proposed action create storm water discharge either from point or non-point source? Mr. Annicchiarico stated that most of the site is impervious and they are not increasing that by any amount. The answer to that question would be no.

Mr. Zachary stated that the cover letter says the application proposes to modestly expand the existing commercial building. Mr. Zachary visually estimated that it is about 50%. Mr. Annicchiarico stated that it is more like 25%. Mr. Zachary asked if there is any second story currently or is it just the attic pitched roof. Mr. Annicchiarico replied that is just the pitched roof.. Mr. Zachary asked if they could have room dimensions put on the next plan. Mr. Zachary questioned if the office would be a rental or part of the business. Mr. Calabro replied that it is part of the business. Mr. Zachary asked if there are six spots for the rental and which ones are they. Mr. Annicchiarico replied they are on the north side of the building. Mr. Zachary asked if the cars they are working on will be towards the back of the building. Mr. Annicchiarico replied yes. Mr. Zachary questioned the sound proofing. Mr. Annicchiarico stated that he would get the answer. Mr. Calabro stated that there will be poured concrete and spray foam between the floors.

Ms. Armisto questioned what kind of fencing will there be since the back looks so open. Mr. Annicchiarico replied that there will be fencing. Ms. Absenger questioned the height of the

building. Mr. Annicchiarico replied 35 feet. Ms. Armisto asked the height of the garage door. Mr. Calabro replied between 10 and 12 feet.

Mr. Annicchiarico stated that they received a variance from the Zoning Board for the corner of the building that is slightly over the property line. Ms. Absenger asked how the exhaust of all the fumes in a garage get disbursed and not go up. Mr. Calabro stated that for the most part you are not running cars in the garage, but when you do have to run them there are pipes you put on the exhaust to carry them out the door. Ms. Absenger asked if you dispense of the oil on a daily basis. Mr. Calabro replied that you put it in a container and a company comes to remove it. It is all regulated by the state. Mr. Zachary asked if they do any spray or body work. Mr. Calabro responded no. Mr. Zachary asked the hours of the business. Mr. Calabro responded usually it is 8:00 A.M. to 5:00 P.M.<sup>3</sup>

Mr. Smith stated that he reviewed the application and there are a couple of threshold issues. The first issue is on the schedule of use regulations, dwelling units are a permitted principle use over commercial establishments. Mr. Smith questioned if gas stations/auto repair shops are considered a commercial use, because it is considered a special purpose use in the C-2 district. Mr. Cook's interpretation was the gas station/auto repair was indeed a commercial/retail use. The residential portion is a permitted principal use. The next question is how do we find the density. Based on the code, it says with a maximum of four dwelling units per acre. Four units into an acre is approximately one unit for every 10,000 square feet. If you look at the size of their lot, it doesn't appear that they have the acreage to accommodate the proposed units. This means they would have to apply for a variance. The other consideration is that if they applied under the overlay district, the maximum units is eight for 40,000 square feet. That is 5,000 square feet per unit. The lot size is 16,300 so they would qualify under zoning from a density standpoint if they applied for the C1/C2 overlay. The application may need to be modified to be consistent with zoning and trying to limit any additional variances they may need for the project. There is a minimum land area of 20,000 square feet. They are just under that, so they would have to apply for a variance for the land area. This would be the cleanest way to move the application forward. The Board asked for more details on landscaping and it is suggested to use native plants. Since there will be new residents on site, there is an opportunity to create some area for them in the northwest corner. Mr. Smith suggested they preserve the gallon jug and the façade behind it that has Texaco on it.

Mr. Cook had no issues with what they are doing. The building is attractive and will clean up Albany Post Road. It will be a fully sprinklered building. Mr. Pommer liked the rendering because it shows the sidewalk going all the way around the front and continuing down the road. Mr. Pommer had talked to Mr. Annicchiarico about more greenery around the building. There is some drainage in the front of the building. Mr. Pommer asked for easement information. Drop curbs need to be added to the plans. Mr. Pommer requested a photometric plan of any exterior lighting that will be part of the building or landscaping. They need to submit to the firehouse for feedback.

Ms. Absenger asked if there will be cameras on the building. Mr. Calabro replied yes. Ms. Armisto asked what kind of finishes will be in the apartment. Mr. Calabro replied mid to high end. Ms. Absenger questioned if the apartments will be market rate. Mr. Calabro replied yes. Mr. Zachary questioned where the tenants will park. Mr. Annicchiarico replied that the tenants will enter and exit on the Rockledge Avenue side. It is not intended for cars to enter off of Albany Post Road. Mr. Pommer stated that DOT must be notified because they are within 50 feet of an entrance to a highway (Rockledge Avenue) and they are changing the use of the property.

A motion to have a public hearing on June 27, 2024 was made by Ms. Armisto, seconded by Ms. Absenger with all in favor.

CALENDAR NO. 3-2024: Site Plan Application for 182 Lindsey Avenue (§43.15-4-1 (Knickerbocker).

Theresa Knickerbocker stated that she is here for a change of use. She stated that the property was built in 2006 and was approved for a deli. Casabella purchased the property and they did not get approvals for office space. She purchased the property through an auction in December 2022. The intent is to open an ice cream store. Mr. Lentini stated that they are seeking to use the space just as it is. There are two apartments upstairs. The handicap parking space has been moved to be near the accessible access. They are proposing to rejuvenate the plantings between the trees that are already there. The store is just selling ice cream. There are no cooking appliances.

Chairman Faiella said that when it was a deli/pizza place there was a kitchen. Has that been taken out? Mr. Lentini replied that it has been completely taken out except that the flu is still against the side of the building but it is sealed. There is a floor sink and they are using it for a bucket and a mop. Mr. Lentini stated that there is a plan for the health department that will be going in tomorrow for approval. Mr. Zachary asked about the back driveway. The house next door has an easement and one parking space on the lot. Ms. Armisto asked what the plan is for the outside portion with the tables. Mr. Lentini said the tables will stay there. Ms. Knickerbocker said that on the original plans, four tables were allowed. Chairman Faiella asked if Casabella made any changes to the bathroom. Mr. Lentini replied that it looks like it is an original ADA bathroom. Ms. Armisto asked what is on the bottom floor. Mr. Lentini replied that the basement is empty. There is a mechanical room and two empty rooms they are not using. Mr. Zachary asked if the apartments are empty. Mr. Lentini replied they are occupied. Ms. Absenger asked if the outside tables will be washed down at the end of the day. Ms. Knickerbocker replied that they will be hosed down at the end of the day. Ms. Knickerbocker stated that there must be one parking spot for three people at a table. Including the apartments, she has more than enough parking spaces. Ms. Absenger asked how many garbage receptacles will be outside. Ms. Knickerbocker replied two, one on each side.

Mr. Smith stated that from a SEQRA standpoint and looking at the list of Type 2 actions, this falls under number 18 reuse of a residential or commercial structure, or of a structure containing

mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4. This is a Type 2 action, by his review, therefore the applicant did not need to submit an environmental assessment form. In a Type 2 action there essentially is no adverse impact involved.

Mr. Cook has no issues. He is waiting for the Board of Health to confirm the number of seats. They are saying 19, but is waiting for confirmation.

Mr. Pommer stated that they reviewed this back when it was originally built and as far as the site goes it doesn't seem that anything has changed. There is an easement through the property with one spot. Mr. Pommer suggested they might want to have a bike rack.

Chairman Faiella asked Mr. Smith to prepare a resolution for the next meeting.

A motion to have a public hearing on June 27, 2024 was made by Chairman Faiella, seconded by Mr. Zachary with all in favor.

**ADJOURNMENT:**

At 8:17 PM a Motion to adjourn this meeting was made by Ms. Armisto, seconded by Mr. Zachary, with all in favor.