

VILLAGE OF BUCHANAN RESOLUTION
SCHEDULING A PUBLIC HEARING ON PROPOSED ZONING
TEXT AND MAP AMENDMENTS TO C1/C-2 OVERLAY DISTRICT
FOR THE DEVELOPMENT OF UNIMPROVED PROPERTY
LOCATED ON ALBANY POST ROAD (AND ALSO KNOWN AND
DESIGNATED ON THE TAX MAP OF THE TOWN OF CORTLANDT
AS SECTION 43.16, BLOCK 3, LOTS 16 AND 16A AND SECTION
43.20, BLOCK 2, LOT 2)

Introduced by: _____

Seconded by: _____

Dated: _____

WHEREAS, on or about January 10, 2023, representatives of Buchanan Dev AMS LLC (the “Applicant”) did submit a facially complete petition to the Village of Buchanan Board of Trustees (the “Village Board”) for an amendment to the zoning map of the Village of Buchanan and amendments to the Zoning Code of the Village of Buchanan generally affecting the C-1/C-2 Overlay Zoning District (the “Proposed Zoning Amendments”); and

WHEREAS, Article XII, Section 211-53 of the Code of the Village of Buchanan provides for the process and procedures for amendments to the Village's Zoning Code, and the Applicant has provided a draft of the Proposed Zoning Amendments along with other supporting documentation; and

WHEREAS, in relation to the Proposed Zoning Amendments the Applicant will also seek from the Village Board, a special permit to allow for the application of the C-1/C-2 Overlay District to the Subject Site, and a site plan approval for the redevelopment of the Subject Site for multi-family residential development, (collectively with the Proposed Zoning Amendments, the “Proposed Action”); and

WHEREAS, on January 24, 2023, at a regularly scheduled meeting of the Village Board, the Board did review and discuss the proposed zoning revisions and did declare their intent to act as Lead Agency as required by the State Environmental Quality Review Act (“SEQRA”) and did circulate the Proposed Zoning Amendments and other supporting documentation to a list of identified Interested and Involved Agencies; and

WHEREAS, on March 7, 2023, after the required time had passed and having received no objection to their being Lead Agency from the other Interested and Involved Agencies, Village Board did declare themselves Lead Agency and did discuss the prospective contents of an Expanded Environmental Assessment Form (EAF) to be provided for the Village Board’s consideration; and

WHEREAS, on April 20, 2023, the Applicant submitted an Expanded EAF with supporting documentation related to the Proposed Action which was reviewed by the Lead Agency; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board as required by New York State Village Law and the Code of the Village of Buchanan does hereby schedule a public hearing on the Proposed Zoning Amendments for June 6, 2023 and does hereby direct the Village Clerk to circulate the Proposed Zoning Amendments and supporting documentation to the Village of Buchanan Planning Board for review and recommendation as required by the Code of the Village of Buchanan; and, be it further

RESOLVED, that the following agencies identified by the Expanded EAF and using all due diligence, are Interested or Involved Agencies for the Proposed Action and should be provided a copy of this Notice and Expanded EAF:

- Village of Buchanan Zoning Board
- Town of Cortlandt
- City of Peekskill
- Village of Croton-on-Hudson
- Westchester County Department of Health
- Westchester County Department of Planning
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- Buchanan Engine Company
- Verplanck Fire Department
- Montrose Fire Department; and

BE IT FURTHER RESOLVED, that the Village Board hereby directs that a Public Hearing Notice be circulated among the Interested and Involved agencies together with a copy of this resolution, and the Expanded EAF, and that any correspondence on this matter be directed to the Village Administrator’s Office, 236 Tate Avenue, Buchanan, NY 10511.

Upon Roll Call Vote:

- Mayor Theresa Knickerbocker _____
- Trustee Anthony Capicotti _____
- Trustee Steven Laker _____
- Trustee Daniel Stewart _____
- Trustee Robert Wheeler _____

Vote: Resolution carried by a vote of ___ to ___

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

I, CYNTHIA KEMPTER, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held May 2, 2023.

CYNTHIA KEMPTER, Village Clerk

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 3 OF THE YEAR 2023
AMENDING CHAPTER 211 ENTITLED ZONING AND CHAPTER 203 ENTITLED
WETLANDS TO THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following subdivision “F” shall be added to Chapter 211.24.1 of the Village Zoning Code to read as follows:

§211.24.1- C-1/C-2 Overlay District

F.

Notwithstanding anything to the contrary contained herein, in the C-1/C-2 Overlay District, the Board of Trustees shall be the approving agency for special permits and site development plans for uses listed in the "Schedule of Use Regulations, § 211-10 Column 3A Uses by Special Permit of the Board of Trustees" in which case the same requirements and procedures set forth in this chapter for the Planning Board shall be applicable to the Board of Trustees. Any application to the Board of Trustees made pursuant to this section shall be referred to the Planning Board for its recommendation to the Board of Trustees prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of such referral, the Board of Trustees may act without such report. If the Planning Board recommends against the proposed special permit and/or site development plan, the Board of Trustees shall not act contrary to such recommendation, except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section Two: Section 211-10 “Schedule of Use Regulations” Attachment 1 shall be amended to read as follows:

Column 3A entitled “Uses by Special Permit of the Board of Trustees” shall be added to read as follows:

One and two-bedroom multifamily apartment dwellings on parcels of land not less than 4 acres, provided that each dwelling unit contains a minimum of 750 square feet with a maximum of 28 units per 40,000 square feet (prorated), and that the building height does not exceed 65 feet and 5 stories, subject to compliance with 211-24.1. Notwithstanding the above, at the sole discretion of the Village Board, a number of dwelling units not exceeding 20% of the total, may be three-bedroom units.

Column 5 entitled “Minimum Off-Street Parking Spaces” shall be amended to read as follows:

Same as C-2, except for multifamily apartment dwellings on parcels of land not less than 4 acres; 1.5 parking spaces per dwelling unit.

Section Three: Section 211-7 entitled “Zoning Map” shall be amended to rezone the portion of the unimproved property located on Albany Post Road, designated on the tax map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2 located in the M-1 Light Industrial District to the C-2 General Commercial District and C-1/C-2 Overlay Zoning District.

Section Four: § 203-10 “Applicability; more restrictive standards to apply” shall be amended to read as follows:

A. The requirements of this chapter shall not apply to any work shown on construction drawings or improvement plans for subdivisions or site plans approved by said Planning Board or the Village Board of Trustees, as applicable.

Section Five: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.