

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
March 5, 2024**

PRESENT: (This meeting was held live and via Zoom)

Mayor Theresa Knickerbocker
Trustees Anthony Capicotti, Steven Laker, Daniel Stewart, Robert Wheeler
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Planner David Smith
Village Engineer George Pommer
Village Traffic Engineer Philip Grealy
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy

OTHERS:

Mark Weingarten, Partner in DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
Stuart Lachs, Architect, Perkins Eastman
Peter Feroe, Senior Technical Director, AKR
Kevin Masciovecchio, JMC, PLLC
Ryan Sutherland, AMS

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:00 P.M. The six new firefighters led the Pledge of Allegiance.

Chief Robert Outhouse introduced the six new members that reached all the qualifications to be probationary active firefighters. They will now start their intensive training to be active firefighters.

Brady Bayer
Joseph Ortiz

Kelly Ferry
Al Roush, IV

Daniel Hayn
Klever Vele

2. APPROVE MINUTES:

December 19, 2023 Workshop Meeting
January 2, 2024 Board Meeting

A motion to approve these minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

3. COMMENTS FROM THE FLOOR (agenda items only): None

4. NEW BUSINESS:

a. Consider a Motion to Open the Public Hearing Regarding Special Permit, Site Development Plan and Steep Slopes Disturbance.

A motion to open the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor.

David Smith summarized the events with AMS from March 2022.

Mark Weingarten, Stuart Lachs, and Kevin Masciovecchio gave a presentation 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.

A written comment from Jean Rudy stated that she is opposed for various reasons including traffic, noise, water in her yard and the effect of the school.

Mayor Knickerbocker mentioned the recreation fee that was incorporated into the resolution.

Ed Cook, Vice President of Westchester/Putnam Building Trades made public comment about having labor standards being put into place on this project and hope they have the opportunity to competitively bid.

John Keenan, 245 Catherine Street made public comment about how much of the project will be covered up by trees. He questioned if there will be blasting at this site. Mr. Sutherland responded that they will evaluate the rock on the site to determine if they will blast or chip. If they blast, they have to follow all state regulations.

Jennifer Sahota, 8 Donahue Court questioned if they are rental apartments or condos and what would the rent be. Mr. Weingarten stated that the average two-bedroom rental is about \$3,500 a month; the one bedroom is in the \$2,500 range. She questioned if the state would be able to make you put migrants in that building. Mr. Weingarten stated that right now the state has said that nobody is allowed to locate migrants in any community without their permission.

Lori Pynch, 3 Donahue Court questioned if the Thuga Green Giant Evergreen could be considered for the property. She questioned the look of the rock wall along the sidewalk.

Jacqueline Pasquale questioned if the tennis courts could be repaired.

Richard Funchion, 179 Kings Ferry Road complimented the presentation. He asked if the apartments facing the power lines and railroad tracks would be rented at a cheaper price. Mr. Sutherland responded that the rents can vary unit to unit. He questioned the estimate of time from start to completion. Mr. Weingarten responded they would estimate between 18–24 months to be completed and occupied. Mr. Funchion questioned if AMS is supplying the security for the site during construction. He is concerned about the traffic coming to Kings Ferry Road. If there is damage to Albany Post Road due to the construction, Mr. Funchion questioned who will fix it. Mr. Funchion questioned if AMS owns the property.

Bob McCarthy, 201 Park Street stated that this is a worthwhile project and is in favor of it.

Lisa Mercora, 162 First Street wanted to clarify the taxes that would go to the Village.

Tania Drezek, 221 Travis Avenue questioned who will maintain the loose stone wall. She asked why there won't be two crosswalks. Mr. Masciovecchio stated that the DOT denied the one at Rockledge because the crosswalks are too frequent. She questioned if these apartments are not rented will they be opened to be rented to Section 8. Mr. Weingarten stated that it will not happened on a project at this luxury level.

Mayor Knickerbocker stated that her biggest concern is the traffic.

Mr. Grealy stated that there were several traffic studies conducted for the AMS project and the Village Square project. They have looked at both pedestrian and vehicular traffic.

Tania Drezek, 221 Travis Avenue asked if they could possibly have a bus to bring people to the train. Mr. Weingarten stated that it would not be economical.

Trustee Wheeler stated that they did a great job on the presentations. He stated the Village has to change. The character of Albany Post Road is not good. He is very supported of this.

Trustee Capicotti thanked them for a great presentation and appreciate their time and effort.

Trustee Stewart thanked them for their presentation and their time throughout this process. He feels this is a win-win for everybody and is looking forward to what is in store for the future.

Trustee Laker thanked them all for coming in and providing this project.

A motion to close the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

b. 2024-07 Resolution for Special Permit, Site Development Plan and Steep Slopes Disturbance Permit Approvals.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

PROPOSED: Buchanan Dev AMS LLC – Multi-family Apartment Development

LOCATION: Albany Post Road (NYS Route 9A)

TAX MAP

DESIGNATION: Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2

ZONING: C-2 General Commercial and the C-1/C-2 Overlay Zoning District

WHEREAS, on or about January 10, 2023, the Buchanan Dev AMS LLC (the “Applicant”) submitted a petition (the “Petition”) to the Village of Buchanan Board of Trustees (the “Village Board”) for: an amendment to the Zoning Map of the Village of Buchanan; amendments to the Zoning Code of the Village of Buchanan (the “Zoning Code”) generally affecting the C-1/C-2 Overlay Zoning District; and amendments to the Village Code of the Village of Buchanan (the “Village Code”), all to permit the development of a 148 unit multi-family residential community (the “Project”) at the property located on the east side of Albany Post Road at the southeast corner of its intersection with Craft Lane (the “Project Site”) in the Village of Buchanan; and

WHEREAS, on September 5, 2023, following an exhaustive review under the State Environmental Quality Review Act (“SEQRA”) the Village Board, acting as Lead Agency adopted a negative declaration of environmental significance (the Negative Declaration”) in connection with the amendments to the Zoning Map, Zoning Code, the Village Code and the Project; and

WHEREAS, on September 5, 2023, the Village Board rezoned a portion of the Project Site formerly located in the M-1 Light Industrial District to the C-2 General Commercial District and rezoned the entire Project Site to C-1/C-2 Overlay Zoning District (the “C-1/C-2 Overlay District”) and adopted certain modifications to the Zoning Code and the Village Code to accommodate the Project at the Project Site; and

WHEREAS, on or about October 17, 2023, the Applicant submitted an application to the Village Board for a Special Permit under the C-1/C-2 Overlay District, Site Development Plan Approval, and a Steep Slopes Disturbance Permit to permit the development of the Project on the Project Site; and

WHEREAS, the Project consists of the development of a multi-family residential community comprised of four (4) residential stories above a one (1) story parking structure containing 148 dwelling units with a unit mix consisting of sixty-three (63) one-bedroom units and eighty-five (85) two-bedroom units, together with 223 parking

spaces, 149 of which will be located in the parking structure beneath the first floor of the building¹ and 74 of which (including 12 parking space for electric vehicles) will be located in an open-air parking area northwest of the proposed building; and

WHEREAS, the application submitted on or about October 17, 2023 consisted of the following materials:

- Cover letter from Janet J. Giris, Esq. of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated October 17, 2023 which included a project overview, and discussion of the applications including compliance with the supplementary district regulations for the C-1/C-2 Overlay District contained in Section 211-24.1 of the Zoning Code and the general special permit objectives contained in Section 211-42(B) of the Zoning Code;
- A completed Application form; and
- A copy of the previously submitted long Environmental Assessment Form;
- A set of site plan drawings consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
Civil Engineering Drawings			
C-000	Cover Sheet	JMC Site Development Consultants ("JMC")	10/17/23
C-101	Existing Conditions Map	JMC	10/17/23
C-020	Slope Disturbance Plan	JMC	10/17/23
C-030	Tree Removal Plan	JMC	10/17/23
C-100	Site Layout Plan	JMC	10/17/23
C-200	Site Grading Plan	JMC	10/17/23
C-300	Site Utilities Plan	JMC	10/17/23
C-400	Site Erosion and Sediment Control Plan	JMC	10/17/23
C-500	Site Lighting Plan	JMC	10/17/23
C-700	Truck Turning Plan (SU-30)	JMC	10/17/23
C-701	Truck Turning Plan (Firetruck)	JMC	10/17/23
C-900	Construction Details	JMC	10/17/23
C-901	Construction Details	JMC	10/17/23
C-902	Construction Details	JMC	10/17/23
C-903	Construction Details	JMC	10/17/23
C-904	Construction Details	JMC	10/17/23
C-905	Construction Details	JMC	10/17/23
C-906	Construction Details	JMC	10/17/23
C-907	Construction Details	JMC	10/17/23
C-908	Construction Details	JMC	10/17/23
C-909	Construction Details	JMC	10/17/23
C-910	Construction Details	JMC	10/17/23
C-911	Construction Details	JMC	10/17/23
L-100	Site Landscaping Plan	JMC	10/17/23
Architectural Site Plan Drawings			
G-0.01	Cover Sheet & Index	Perkins Eastman ("PE")	10/17/23
AS-1.00	Architectural Site Plan	PE	10/17/23
A-1.00	Floor Plan – Level 0	PE	10/17/23
A-1.01	Floor Plan – Level 1	PE	10/17/23

¹The parking structure contains nine (9) additional tandem parking spaces not included in the 149 spaces referenced above.

A-1.02	Floor Plan – Level 2	PE	10/17/23
A-1.03	Floor Plan – Level 3	PE	10/17/23
A-1.04	Floor Plan – Level 4	PE	10/17/23
A-1.05	Roof Level Plan	PE	10/17/23
A-2.01	Building Elevations	PE	10/17/23
A-2.02	Building Elevations	PE	10/17/23
A-2.03	Inspiration – Building Elevations	PE	10/17/23
A-4.01	Unit Samples	PE	10/17/23

- Requisite fees; and

WHEREAS, on or about October 30, 2023, the Applicant submitted supplemental information previously provided to the Village Board in connection with the Zoning Code and Village Code amendments adopted by the Village Board in September, 2023 and in response to comments received from the Village’s Planning Consultant in his memo dated October 24, 2023 (the “Smith Memo”) including:

- An exhaustive cover letter from Janet J. Giris, Esq. of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated October 30, 2023 which includes comprehensive responses to the comments contained in the Smith Memo; and
- The “Expanded Environmental Assessment Form” dated May 2, 2023 (the “EEAF”) submitted to the Village Board in connection with the Petition which includes all of the supplemental information requested in the Smith Memo; and
- A copy of the Negative Declaration; and
- A revised set of site plan drawings, revised to address a number of comments contained in the Smith Memo, consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
C-000	Cover Sheet	JMC Site Development Consultants (“JMC”)	10/30/23
C-101	Existing Conditions Map	JMC	10/30/23
C-020	Slope Disturbance Plan	JMC	10/30/23
C-030	Tree Removal Plan	JMC	10/30/23
C-100	Site Layout Plan	JMC	10/30/23
C-200	Site Grading Plan	JMC	10/30/23
C-300	Site Utilities Plan	JMC	10/30/23
C-400	Site Erosion and Sediment Control Plan	JMC	10/30/23
C-500	Site Lighting Plan	JMC	10/30/23
C-700	Truck Turning Plan (SU-30)	JMC	10/30/23
C-701	Truck Turning Plan (Firetruck)	JMC	10/30/23
C-900	Construction Details	JMC	10/30/23
C-901	Construction Details	JMC	10/30/23
C-902	Construction Details	JMC	10/30/23
C-903	Construction Details	JMC	10/30/23
C-904	Construction Details	JMC	10/30/23
C-905	Construction Details	JMC	10/30/23
C-906	Construction Details	JMC	10/30/23
C-907	Construction Details	JMC	10/30/23
C-908	Construction Details	JMC	10/30/23
C-909	Construction Details	JMC	10/30/23
C-910	Construction Details	JMC	10/30/23

C-911	Construction Details	JMC	10/30/23
L-100	Site Landscaping Plan	JMC	10/30/23
WMP-1	Wetland Mitigation Plan	JMC	10/30/23
G-0.01	Cover Sheet & Index	Perkins Eastman (“PE”)	10/30/23
AS-1.00	Architectural Site Plan	PE	10/30/23
A-1.00	Floor Plan – Level 0	PE	10/30/23
A-1.01	Floor Plan – Level 1	PE	10/30/23
A-1.02	Floor Plan – Level 2	PE	10/30/23
A-1.03	Floor Plan – Level 3	PE	10/30/23
A-1.04	Floor Plan – Level 4	PE	10/30/23
A-1.05	Roof Level Plan	PE	10/30/23
A-2.01	Building Elevations	PE	10/30/23
A-2.02	Building Elevations	PE	10/30/23
A-3.01	Building Sections	PE	10/30/23
A-4.01	Unit Samples	PE	10/30/23

; and

WHEREAS, on November 8, 2023, the Village Board referred the application to the Planning Board of the Village for its review and recommendation in accordance with Section 211-24.1(F) of the Zoning Code; and

WHEREAS, on November 13, 2023, the Planning Board commenced review of the application in accordance with Section 211-24.1(F) of the Zoning Code, at which time the Planning Board requested additional information from the Applicant; and

WHEREAS, on or about December 6, 2023, the Applicant submitted additional materials to the Planning Board in response to comments received from the Planning Board which materials consisted of the following:

- A cover letter from Janet J. Giris, Esq. of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated December 6, 2023 which addressed comments received from the Planning Board on November 13, 2023;
- A revised set of site plan drawings, revised to address a number of comments raised by the Planning Board and the Village Planning Consultant, consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
Civil Engineering Drawings			
C-000	Cover Sheet	JMC Site Development Consultants (“JMC”)	12/6/23
C-010	Existing Conditions Map	JMC	12/6/23
C-020	Slope Disturbance Plan	JMC	12/6/23
C-030	Tree Removal Plan	JMC	12/6/23
C-100	Site Layout Plan	JMC	12/6/23
C-200	Site Grading Plan	JMC	12/6/23
C-300	Site Utilities Plan	JMC	12/6/23
C-400	Site Erosion and Sediment Control Plan	JMC	12/6/23
C-500	Site Lighting Plan	JMC	12/6/23
C-700	Truck Turning Plan (SU-30)	JMC	12/6/23
C-701	Truck Turning Plan (Firetruck)	JMC	12/6/23
C-900	Construction Details	JMC	12/6/23
C-901	Construction Details	JMC	12/6/23
C-902	Construction Details	JMC	12/6/23
C-903	Construction Details	JMC	12/6/23
C-904	Construction Details	JMC	12/6/23

C-905	Construction Details	JMC	12/6/23
C-906	Construction Details	JMC	12/6/23
C-907	Construction Details	JMC	12/6/23
C-908	Construction Details	JMC	12/6/23
C-909	Construction Details	JMC	12/6/23
C-910	Construction Details	JMC	12/6/23
C-911	Construction Details	JMC	12/6/23
C-912	Construction Details	JMC	12/6/23
C-913	Construction Details	JMC	12/6/23
L-100	Site Landscaping Plan	JMC	12/6/23
WMP-1	Wetland Mitigation Plan	JMC	12/6/23
Figures:			
CL-1	Landscaping Exhibit	JMC	12/6/23
CL-1A	Plant Schedule	JMC	12/6/23
CL-2	Landscaping Section	JMC	12/6/23

- A “Preliminary Construction Management Plan;” and
- A “Draft Construction Logistics Map;” and

WHEREAS, on or about December 6, 2023, the Applicant submitted the same additional materials to the Village Board in response to comments received from the Planning Board which materials consisted of the following:

- A cover letter from Janet J. Giris, Esq. of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, to the Village Board dated December 6, 2023 which addressed comments received from the Planning Board on November 13, 2023;
- A revised set of site plan drawings, revised to address a number of comments raised by the Planning Board and the Village Planning Consultant,, consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
Civil Engineering Drawings			
C-000	Cover Sheet	JMC Site Development Consultants ("JMC")	12/6/23
C-010	Existing Conditions Map	JMC	12/6/23
C-020	Slope Disturbance Plan	JMC	12/6/23
C-030	Tree Removal Plan	JMC	12/6/23
C-100	Site Layout Plan	JMC	12/6/23
C-200	Site Grading Plan	JMC	12/6/23
C-300	Site Utilities Plan	JMC	12/6/23
C-400	Site Erosion and Sediment Control Plan	JMC	12/6/23
C-500	Site Lighting Plan	JMC	12/6/23
C-700	Truck Turning Plan (SU-30)	JMC	12/6/23
C-701	Truck Turning Plan (Firetruck)	JMC	12/6/23
C-900	Construction Details	JMC	12/6/23
C-901	Construction Details	JMC	12/6/23
C-902	Construction Details	JMC	12/6/23
C-903	Construction Details	JMC	12/6/23
C-904	Construction Details	JMC	12/6/23
C-905	Construction Details	JMC	12/6/23
C-906	Construction Details	JMC	12/6/23
C-907	Construction Details	JMC	12/6/23
C-908	Construction Details	JMC	12/6/23

C-909	Construction Details	JMC	12/6/23
C-910	Construction Details	JMC	12/6/23
C-911	Construction Details	JMC	12/6/23
C-912	Construction Details	JMC	12/6/23
C-913	Construction Details	JMC	12/6/23
L-100	Site Landscaping Plan	JMC	12/6/23
WMP-1	Wetland Mitigation Plan	JMC	12/6/23
Figures:			
CL-1	Landscaping Exhibit	JMC	12/6/23
CL-1A	Plant Schedule	JMC	12/6/23
CL-2	Landscaping Section	JMC	12/6/23

- A “Preliminary Construction Management Plan;” and
- A “Draft Construction Logistics Map;” and

WHEREAS, at its meeting on December 20, 2023 the Planning Board after extensive discussion made a positive recommendation to the Village Board for Project in accordance with Section 211-24.1(F) of the Zoning Code, provided that the comments of the Village Engineer were adequately addressed, and recommended certain minor modifications to the site development plans; and

WHEREAS, during the course of the site plan review the Applicant did meet with representatives of the Village of Buchanan Fire Department (BFD) to discuss the site plan layout; and

WHEREAS, on or about December 27, 2023, the Applicant submitted additional materials to the Planning Board and the Village Board in response to the comments raised by the Village Consulting Engineer, George Pommer, P.E. of James J. Hahn Engineering, P.C. dated December 6, 2023 which materials consisted of the following:

- A cover letter from Kevin Masciovecchio, P.E. and Anthony Nester, RLA of JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, to the Village Board dated December 27, 2023;
- A revised set of site plan drawings, consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
Civil Engineering Drawings			
C-000	Cover Sheet	JMC Site Development Consultants (“JMC”)	12/26/23
C-010	Existing Conditions Map	JMC	12/26/23
C-020	Slope Disturbance Plan	JMC	12/26/23
C-030	Tree Removal Plan	JMC	12/26/23
C-100	Site Layout Plan	JMC	12/26/23
C-110	Site Distance Analysis Plan (Site Driveway & Craft Lane)	JMC	12/26/23
C-111	Site Distance Analysis Plan (Craft Lane & Albany Post Road)	JMC	12/26/23
C-112	Site Distance Analysis Plan (Pedestrian Crossing)	JMC	12/26/23
C-200	Site Grading Plan	JMC	12/26/23
C-300	Site Utilities Plan	JMC	12/26/23
C-310	Sanitary Sewer and Water Main Profiles	JMC	12/26/23
C-400	Site Erosion and Sediment Control Plan	JMC	12/26/23
C-500	Site Lighting Plan	JMC	12/26/23
C-701	Truck Turning Plan (SU-30)	JMC	12/26/23

C-702	Truck Turning Plan (Firetruck)	JMC	12/26/23
C-900	Construction Details	JMC	12/26/23
C-901	Construction Details	JMC	12/26/23
C-902	Construction Details	JMC	12/26/23
C-903	Construction Details	JMC	12/26/23
C-904	Construction Details	JMC	12/26/23
C-905	Construction Details	JMC	12/26/23
C-906	Construction Details	JMC	12/26/23
C-907	Construction Details	JMC	12/26/23
C-908	Construction Details	JMC	12/26/23
C-909	Construction Details	JMC	12/26/23
C-910	Construction Details	JMC	12/26/23
C-911	Construction Details	JMC	12/26/23
C-912	Construction Details	JMC	12/26/23
C-913	Construction Details	JMC	12/26/23
C-914	Construction Details	JMC	12/26/23
L-100	Site Landscaping Plan	JMC	12/26/23

; and

WHEREAS, on or about January 29, 2024, the Applicant submitted additional materials to the Village Board in response to the comments raised by the Village Consulting Engineer, George Pommer, P.E. of James J. Hahn Engineering, P.C. in his memorandum dated January 15, 2024 consisting of the following:

- A cover letter from Kevin Masciovecchio, P.E. and Anthony Nester, RLA of JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, to the Village Board dated January 29, 2024;
- A “Preliminary Construction Management Plan” dated January 17, 2024
- A “Stormwater Pollution Prevention Plan” revised January 26, 2024;
- A “Report on Subsurface Soil and Foundation Investigation,” prepared by Carlin Simpson & Associated, LLC, revised December 15, 2023; and
- A revised set of site plan drawings, consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
Civil Engineering Drawings			
C-000	Cover Sheet	JMC Site Development Consultants (“JMC”)	1/26/24
C-010	Existing Conditions Map	JMC	1/26/24
C-020	Slope Disturbance Plan	JMC	1/26/24
C-030	Tree Removal Plan	JMC	1/26/24
C-100	Site Layout Plan	JMC	1/26/24
C-110	Site Distance Analysis Plan (Site Driveway & Craft Lane)	JMC	1/26/24
C-111	Site Distance Analysis Plan (Craft Lane & Albany Post Road)	JMC	1/26/24
C-112	Site Distance Analysis Plan (Pedestrian Crossing)	JMC	1/26/24
C-200	Site Grading Plan	JMC	1/26/24
C-300	Site Utilities Plan	JMC	1/26/24
C-310	Sanitary Sewer and Water Main Profiles	JMC	1/26/24
C-400	Site Erosion and Sediment Control Plan	JMC	1/26/24

C-500	Site Lighting Plan	JMC	1/26/24
C-701	Truck Turning Plan (SU-30)	JMC	1/26/24
C-702	Truck Turning Plan (Firetruck)	JMC	1/26/24
C-900	Construction Details	JMC	1/26/24
C-901	Construction Details	JMC	1/26/24
C-902	Construction Details	JMC	1/26/24
C-903	Construction Details	JMC	1/26/24
C-904	Construction Details	JMC	1/26/24
C-905	Construction Details	JMC	1/26/24
C-906	Construction Details	JMC	1/26/24
C-907	Construction Details	JMC	1/26/24
C-908	Construction Details	JMC	1/26/24
C-909	Construction Details	JMC	1/26/24
C-910	Construction Details	JMC	1/26/24
C-911	Construction Details	JMC	1/26/24
C-912	Construction Details	JMC	1/26/24
C-913	Construction Details	JMC	1/26/24
C-914	Construction Details	JMC	1/26/24
L-100	Site Landscaping Plan	JMC	1/26/24
TS-1	Topographic Survey	JMC	1/15/24
WMP-1	Wetland Mitigation Plan	JMC	1/26/24
CS-1	Cross Section Exhibit	JMC	1/26/24

; and

WHEREAS, on February 7, 2024, the Village Board continued its review of the application including a discussion of such design related items as the visual impact of the proposed rock cut wall and the potential landscape treatment of the Albany Post Road frontage; and

WHEREAS, on February 28, 2024, the Village Engineer submitted an updated review memo; and

WHEREAS, on March 1, 2024 the Applicant submitted the following documentation to the Village Board:

- Cover letter dated 2/28/28 from JMC responding to comments raised by the Village Planning Consultant and the Village Engineer.
- Drawing set prepared by JMC last revised 2/28/24, including:
 - Site Layout Plan
 - Site Grading Plan
 - Site Utilities Plan
 - Site Landscaping Plan
 - Cross-Section Exhibit

WHEREAS, on March 5, 2024, the Village Board continued its review of the application and conducted a public hearing on the application at which all members of the public were invited to attend and comment on the application;

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

RESOLVED, that having reviewed the entire record as noted above, in relation to the Special Permit, the Village Board considered the following Special Permit criteria contained in §211-42.B of the Zoning Code and hereby finds that the Project is consistent with each of the criteria as follows:

1. All proposed structures, equipment or material are readily accessible to fire and police protection.

The Applicant has consulted with the Fire Department in its design and location of the proposed building to ensure adequate emergency access to the building. The site design includes an emergency access lane on three sides of the

building which will provide adequate access to the building for emergency vehicles, including fire apparatus and police vehicles. In addition, at the suggestion of the Planning Board standpipes are proposed on the east side of the Proposed Building to further enhance fire protection.

2. The proposed use is 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.

The Project is of such location, size and character that it will be in harmony with the appropriate and orderly development of the C-2 District. It complies in all aspects with the requirements of the Zoning Code, and is consistent with and will advance numerous long-term planning goals and objectives of the Village as contained in the Village's Comprehensive Plan: the Project will increase revenue for the Village and other associated districts via real property taxes generated by the residential development on a site currently assessed as vacant land; the Project will provide residential rental opportunities not currently available in the Village, helping to diversify the housing types available in the Village; enhance the pedestrian circulation infrastructure with new sidewalks and crosswalk; introduction of new discretionary spending by each of the 148 new households, some portion of which will be spent in the greater Buchanan community.

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 are 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.

The location and size of the use, the nature and intensity of the operation, its site layout and relation to streets will not be hazardous or inconvenient to, or incongruous with or conflict with the normal traffic in the area. During the SEQRA review process, the Applicant submitted a Traffic Impact Study which assessed the potential traffic and transportation impacts of the Project. Based on that analysis, the Village Board determined that the Project would not result in any significant adverse impact to traffic on the adjacent roadway network. In addition, the Village Board determined that Project will result in an improvement to the pedestrian environment in the area by providing sidewalks along the frontage of the Project Site extending along the adjacent property associated with the existing hardware store and a crosswalk across Albany Post Road which will enhance connectivity to the Village Center, consistent with the goals of the Village's Comprehensive Plan and the C1/C2 District Design Guidelines.

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 are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

The Project has been thoughtfully designed to take into consideration the features of the Project Site. It has been designed in compliance with the requirements of the Zoning Code and advances a number of the Village's goals as contained in the Comprehensive Plan. Accordingly, the location and height of the building, the location, nature and height of fences and landscaping are such that the Project will not hinder or discourage the appropriate development of adjacent properties. The Applicant has prepared a landscape program along the Albany Post Road frontage that includes decorative lighting and enhanced landscaping that improves the visual image and effectively screens the proposed surface parking area. The use of wire mesh on the proposed rock cut wall is specifically prohibited as part of this site plan approval.

The impact of the proposed use will 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 will be the maximum preservation of unique ecological or environmental assets particularly as such effect the value and viability of adjacent areas.

As contained in the Negative Declaration, the Project has been designed to limit disturbance to steep slopes on the Project, and to preserve natural features on the Project Site, including the waterbody on the southern portion of the Project Site which includes a robust landscape planting program, to the maximum extent practicable; and be it further

RESOLVED, that the Village Board hereby determines that the Project is consistent with the standards contained in Section 211-26 of the Zoning Code related to Site Development Plan Approval including:

1. The Project has been designed to be harmonious in its relationship to adjacent properties and streets, and careful consideration has been given to the architectural design of the building, the provision of off-street parking and loading areas, landscaping, buffering, open areas and exterior lighting;
2. Access to the Project Site has been designed for maximum safety and convenience of vehicular and pedestrian use, as well as circulation within the site;
3. Adequate utility services, including water and sewer, are available to the Project Site and the Project; the Project includes stormwater infrastructure which has been designed in accordance with State and local regulations; Solid waste disposal and recycling will be provided by private carting service.
4. The Project has been designed to minimize disturbance to limit disturbance to steep slopes on the Project, and to preserve natural features on the Project Site, including the waterbody on the southern portion of the Project Site, to the maximum extent practicable; although no direct incursion into the wetland is proposed as part of the Project, construction of the stormwater treatment practices and the fire access lane and sidewalk at the southern side of the building will result in the disturbance the wetland buffer area. Although the requirements of Chapter 203 of the Village Code are not applicable to the Project pursuant to Section 203-10 of the Village Code, the Applicant has nevertheless proposed an enhanced mitigation plan which includes planting trees, shrubs, ground cover and a wildflower/grass seeding mix within the wetlands buffer area. Additional wetland mitigation measures to the buffer area include the removal of trash, debris, dead and overgrown vegetation, and invasive plants followed by an organic herbicide treatment;
5. The Applicant has demonstrated that the Project is consistent with and will advance numerous long-term planning goals and objectives of the Village as contained in the Village's 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, that the Village Board hereby determines that the proposed disturbance of steep slopes for the Project is consistent with the standards contained in Section 165-6 of the Village Code, and a Steep Slopes Disturbance Permit is hereby granted; and be it further

RESOLVED, that the Village Board has reviewed the EAF and the entirety of the record and concludes that the Proposed Action is consistent with the Negative Declaration issued as part of the Zoning Map and Zoning Code amendment process, and no further action is required by the Village Board under SEQRA; and be it further

RESOLVED, that the applications for Special Permit and Site Development Plan Approval are hereby granted, and the Applicant may obtain the endorsed approval of the Mayor on a copy of this Resolution and upon the site plan drawings, which endorsement shall permit filing in the Buchanan Building Department for purposes of obtaining building permits in accordance with this Resolution and all applicable building code requirements subject to the conditions identified below:

1. The Site Development Plan approval granted herein shall expire if the following conditions have not been satisfied: (a) submission of an application for building permit within one year of the adoption of this Resolution; (b) Commencement of construction within six (6) months of the issuance of a building permit; and (c) completion of construction within three (3) years of the issuance of a building permit. Extensions of the Site Development Plan approval may be granted for good cause by the Village Board at the request of the Applicant for periods of six (6) months each. Any material change to the approved

Site Development Plan resulting from an approval required by another approving entity (e.g., NYS DOT) shall require the Applicant to appear before the Village Board for an amendment to this Site Development Plan approval.

2. In accordance with Section 211-43B. of the Zoning Code, the Special Permit granted herein shall be deemed to be of indefinite authorization but shall expire eighteen (18) months from the date of this approval unless a building permit has been issued. This period may be extended by the Village Board at the request of the Applicant for periods of six (6) months each.

CONDITIONS PRIOR TO ENDORSEMENT OF SITE DEVELOPMENT PLAN

The following conditions shall be satisfied by the Applicant prior to the endorsement of the Site Development Plan by the Mayor:

3. Documentation, sufficient in form and substance for the Village Engineer that the list of items outlined in the Village Engineer's 2/28/24 correspondence have been incorporated onto the Site Plan drawings or otherwise addressed.
4. This Resolution authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution and as delineated on the Site Development Plan as endorsed by the Mayor. Any change in use, material alteration or modification to the Site Development Plan shall require review and approval by the Village Board of an amended Site Development Plan.
5. In accordance with Section 211-28D. of the Zoning Code, the Applicant shall pay to the Village any outstanding professional review fees.
6. The Applicant shall furnish the Village with three (3) print sets of the Site Development Plan as described above, for endorsement by the Mayor and an electronically scanned version of the approved plans.
7. Upon payment of all required fees and the satisfaction of conditions 1 through 6 of this resolution and following the endorsement of the Site Development Plan by the Mayor, one printed 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. The Applicant shall submit a scanned, endorsed electronic version of the approved Site Development Plan to the Village Administrator.

CONDITIONS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

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

8. Satisfaction of conditions 1 through 6 above.
9. Issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution and the endorsed Site Development Plan. The Building Inspector shall include reference to the Site Development Plan and this Resolution on any Building Permit.
10. All construction drawings shall be in compliance with the New York State Uniform Fire Prevention and Building Codes.
11. 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.
12. In accordance with §90-7 and §211-28 of the Village Code, the Applicant shall deposit an initial sum of money to be held in escrow by the Village in an amount be established by the Village Administrator to be used to reimburse the Village for costs incurred by the Village in connection with review of any applications by Village consultants. Costs may include consultant fees for planning, engineering, legal

and other professional and technical services required for the proper and thorough review of an application.

13. 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.
14. In accordance with Section 211-28B. of the Zoning 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 Village Administrator and Village Engineer and in a form satisfactory to the Village Attorney sufficient to secure the satisfactory construction and installation of all required roads, sidewalks, water supply, sewerage and storm drainage systems, grading, landscaping and all other site improvements, but not including building construction.

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

15. The Village Board has determined that locating additional recreational uses, over and above the proposed indoor and outdoor recreational amenities proposed for the Project's residents, is not practicable given the environmental constraints on the Project Site. Therefore, the Applicant, shall be required to pay a fee-in-lieu of providing such additional on-site park space prior to the issuance of a certificate of occupancy for the Project in accordance with Section 211-27.1 of the Zoning Code and the Village fee schedule in effect as of the date of this Resolution.
16. In accordance with Section 211-28C. of the Zoning Code, the Applicant shall be required to post maintenance security in an amount determined by the Village Administrator and Village Engineer and in a form satisfactory to the Village Attorney to guaranty the establishment of landscaping in a vigorous growing condition, screening and safety devices and to ensure the general cleanliness and proper housekeeping of the Project Site. Such maintenance security shall remain in effect for a period of two (2) years from the date of the issuance of a certificate of occupancy.
17. As required by Section 211-32 of the Village Code, the Applicant shall submit 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 Development Plan approved as part of this RESOLUTION shall require the Applicant to seek amended Site Development Plan approval.
18. Prior to performing work in the NYSDOT right of way, the Applicant shall obtain a highway work permit from the NYSDOT. Prior to the issuance of a C of O, the Applicant shall complete of all traffic mitigation measures including all pedestrian and roadway improvements identified by the NYSDOT as well as the Village traffic consultant.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,
Trustee Stewart, Trustee Wheeler

NAYS: None

Ryan Sutherland stated that on behalf of the AMS project team they want to thank the Village staff and professionals for all their collaboration in the past two years and are looking forward to the next couple of years in making this project come out of the ground.

- c. Consider a Motion Authorizing an Inter-Municipal Agreement with the Town of Cortlandt Regarding Shared Use of Equipment and Bidding by Town Purchasing Director.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- d. Consider a Motion to Call for a Public Hearing on April 3, 2024 Regarding Budget Hearing.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- e. Consider a Motion to Approve Police Chief Contract.

Trustee Laker stated that Shane Farrell does a fantastic job. He meets with him on a weekly basis. He does a great job of getting the department and outside agencies to work together. This is a four-year contract.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Wheeler, with all in favor.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – January 2024

Received and filed.

- b. Police Report – January 2024

Received and filed.

- c. Highway Report – January 2024

Received and filed.

- d. Wastewater Treatment Plant – January 2024

Received and filed.

- e. Building Department – January 2024

Received and filed.

- f. Buchanan Engine Company – January 2024

Received and filed.

- g. Zoning Board –January 10, 2024 minutes

Received and filed.

- h. Prosecutor’s Report – None

- i. Attorney’s Report

Village Attorney Porteus stated that on the John Doe case, the plaintiff has decided to file an appeal. The buyer of the Bleakley Avenue/Albany Post Road property will come in to do a presentation.

- j. Administrator’s Report

Village Administrator Serrano stated that the speakers in the Board Room will be replaced for better reception. The County of Westchester has a cyber security software application for ransomware viruses. The Village has our own but our renewal was expiring. We were able to piggyback on the County RPF and were able to roll over to the County system. That would have cost us \$60,000 but got it for free for working with the County.

- k. Mayor’s Report

Mayor Knickerbocker stated that she sent the Board the survey the recreation committee put together. This will go in the newsletter. Trustee Laker suggested putting a 1-5 scale on the survey.

- l. Trustee’s Report

Trustee Capicotti reminded everyone about the St Patrick’s Day Parade. They are still looking for volunteers for the day of the parade.

Trustee Laker stated that the parade is on Sunday. The step off is at 2:00 P.M. Line up is at 1:30 P.M. at Burke Court. Any cars that are in the parade will line up on Lake Street and the fire apparatus will line up on Bannon Avenue. The parade will go down Tate Avenue, around the circle and finish at the pavilion. There will be refreshments. Trustee Laker spoke about Jupiter Power. They did survey a piece of property by the sewer plant, but nothing has come of that.

Trustee Stewart said that at 11:00 A.M. at the firehouse there will be a brunch and presentation of the grand marshal and aides. They will be serving corn beef and cabbage. He attended the zoom meeting for the bus patrol program through

the school district. This is a state-wide program where the buses are outfitted with cameras on the side of the bus. This school year alone there have been 1,800 violations of people going around the school bus or not paying attention to the traffic laws when it comes to the school buses. There is no cost to the taxpayers and will be enforced through the County.

Trustee Wheeler stated that there is an election on March 19th. Every vote counts.

6. COMMENTS FROM THE FLOOR:

Tania Drezek, 221 Travis Avenue asked why the Village allowed Jupiter Power to survey the property. Trustee Laker responded that we didn't have them survey, they requested it and the Board allowed them to. They provided us with the survey. They have not come back to the Village.

Robert Outhouse mentioned the Federal OSHA change that will set new regulations for firefighting throughout the country. The Fire Districts Association for the State of New York has stated that this will be a financial burden on the fire districts. There is also discussion of combining dispatch centers. The theory is to bring everyone under one roof – fire, police and EMS.

7. EXECUTIVE SESSION:

At 9:14 P.M. a Motion to enter into Executive Session to discuss personnel and contract negotiations was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

8. ADJOURNMENT

At 9:24 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

At 9:24 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor. No monies were expended.