

ZONING BOARD OF APPEALS
VILLAGE OF BUCHANAN
DECEMBER 9, 2009

PRESENT: Kathy Kane, Chairwoman
Mike Chirico
Marco Pinque
Angelo Iacomini
Ed Mevec
Barbara Miller, Building Inspector
Stephanie Porteus, Village Attorney
Rosemary Martin, Secretary

OTHERS: Don Zern
Anthony Matra

CALL TO ORDER:

Chairwoman Kathy Kane informed all attending of the fire regulations and led them in the Pledge of Allegiance. She called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. on December 9, 2009.

APPROVAL OF MINUTES:

A motion was made by Angelo Iacomini, seconded by Mike Chirico, with all in favor, to approve as written the minutes of October 7, 2009.

A motion was made by Marco Pinque, seconded by Ed Mevec, with all in favor, to approve as written the minutes of November 4, 2009.

CAL NO. 02-09-BZ: DECISION AND ORDER FOR VARIANCE APPLICATION FOR PROPERTY AT 175 HENRY STREET. (AZIZI)

Chairwoman Kane read the area variances granted at the November 4, 2009 meeting of the Zoning Board of Appeals. Marco Pinque, seconded by Mike Chirico, with all in favor, made a motion to authorize Chairwoman Kane to sign the decision and order prepared by Village Attorney Porteus for Atefa Azizi of 175 Henry Street.

CAL NO. 03-09-BZ: CONTINUATION OF PUBLIC HEARING FOR VARIANCE APPLICATION FOR PROPERTY AT 223 GALLAGHER STREET. (DRIVER)

Since the Drivers were not present at the meeting, a motion was made by Marco Pinque, seconded by Angelo Iacomini, with all in favor, to adjourn and continue the public hearing for variance application for Scott and Melissa Driver of 223 Gallagher Street.

Ed Mevec asked if there has been any information from the Drivers as to why they have not appeared at several meetings. Building Inspector Miller has had no contact with them. This will

be carried over until the January 13, 2010 meeting and the Drivers will be contacted before that meeting.

CAL NO. 04-09-BZ: PRELIMINARY SUBMISSION FOR VARIANCE FOR PROPERTY AT 3208 ALBANY POST ROAD. (SARMIENTO/GUZMAN)

Building Inspector Miller has had no communication with Ed Gemmola and will contact him. The applicants are awaiting completion of a survey for the property.

Marco Pinque, seconded by Mike Chirico, with all in favor, made a motion to adjourn and continue this preliminary submission until January 13, 2010.

CAL NO. 05-09-BZ: PRELIMINARY SUBMISSION FOR INTERPRETATION FOR PROPERTY AT 260 WESTCHESTER AVENUE. (MARBLE SPACE INC.)

Village Attorney Porteus and Building Inspector Miller had a meeting with their attorney, Robert Hilpert. He planned to do legal research and to date has not contacted anyone. Building Inspector Miller noted the Board had asked for a written request for interpretation. Chairwoman Kane asked if this has to go to the Planning Board. Village Attorney Porteus discussed this with Wayne Moraitis, Planning Board Chairman, who stated an interpretation was needed from the Zoning Board.

How long can they hold this over? It was noted that the Marble Space tenants have their materials in the space; however, there is no evidence they are operating. Building Inspector Miller could issue a violation if she determines they are operating without permission. The previous tenant, United Wenco, received a use variance in 1990 with conditions. Angelo Iacomini asked if each applicant for that building had to appear before the Zoning Board. One of the conditions of approval for United Wenco was they had to update their application and appear before the Board.

Don Zern stated outside storage has to be rectified. This is between Marble Space and Building Inspector Miller. Village Attorney Porteus will contact Mr. Hilpert.

The Board members would like copies of the decision and order granted in 1990 for United Wenco.

Angelo Iacomini, seconded by Mike Chirico, with all in favor, made a motion to hold this preliminary submission over until January 13, 2010.

CAL NO. 06-09-BZ: PUBLIC HEARING FOR W.G. HOLDINGS AT 200 TATE AVENUE. (SCHUNK)

Marco Pinque, seconded by Mike Chirico, with all in favor, made a motion to open the public hearing for 200 Tate Avenue.

Anthony Matra, who is a partner of William Schunk, appeared at the meeting. Mr. Matra prepared and distributed a list of businesses that he would ask the Board to consider as prospective tenants for 200 Tate Avenue. Ed Mevec indicated this was on the agenda tonight

for a public hearing. Mr. Matra asked that they postpone the public hearing until the next meeting, January 13, 2010. He requested the Board members to consider the retail uses on the list. Village Attorney Porteus will fax a revised notice of hearing (date change) to the applicant tomorrow.

Chairwoman Kane would like to compare the distributed list with the uses in the zoning chart. Mr. Matra stated they have had prospective tenants come in and ask questions and they would like to answer their questions quickly. Chairwoman Kane stated Village Attorney Porteus was going to prepare verbiage as to what the zoning code considers retail. She thanked Mr. Matra for preparing the list; it would be very helpful.

Chairwoman Kane asked if there was anyone present to speak for or against the application. No one was present for this application.

Marco Pinque, seconded by Mike Chirico, with all in favor, made a motion to adjourn and continue the public hearing until January 13, 2010.

ADJOURNMENT:

Angelo Iacomini, seconded by Ed Mevec, with all in favor, made a motion to adjourn the meeting at 7:30 p.m. The next meeting will be January 13, 2010.

Respectfully submitted,

Rosemary Martin, Secretary