

VILLAGE OF BUCHANAN
ZONING BOARD
MAY 15, 2024

PRESENT: Chairman Gary Bell (via zoom)
Members Harmen Bakker, Mary Funchion, Ed Mevec, Marco Pinque
Village Administrator Marcus Serrano
Village Attorney, Stephanie Porteus
Village Clerk, Treasurer Cindy Kempter
Building Inspector Peter Cook

OTHERS: Jim Annicchiarico, Cronin Engineering
William Richard

CALL TO ORDER:

Member Marco Pinque called the meeting of the Zoning Board to order at 7:06 P.M. He led the Pledge of Allegiance. Mr. Pinque informed every one of the fire regulations.

APPROVAL OF MINUTES: A motion to approve the April 10, 2024 minutes as presented was made by Mrs. Funchion, seconded by Mr. Bakker with all in favor.

OLD BUSINESS:

Calendar No. 04-2024-ZBA – §43.15-1-4. Public Hearing for an Area Variance for Lot Size Subdivision for 187 Westchester Avenue & 208 Fourth Street

Mr. Pinque stated that the public hearing notices have been sent out and the green cards have been returned.

A motion to open the public hearing was made by Mr. Mevec, seconded by Mrs. Funchion with all in favor.

Mr. Annicchiarico of Cronin Engineering is representing William Richards. He explained that this is an application for an area variance for lot size. They want to subdivide a 39,012 square foot parcel which has two existing single-family dwellings on it. Each lot has separate utility services and separate driveways. Each lot meets all other zoning requirements as far as setbacks go. They are looking for one of the lots to be 20,700 square feet and the other one just over 18,000 square feet. He offset the proposed property line between the two properties by 3 ½ feet just to try to get the smaller lot closer to compliance with the 20,000 square foot minimum requirement. The lot on the corner of Westchester Avenue and Fourth Street would

be 20,033 square feet and the lot on Fourth Street to be 18,979. If the Board desires, he could get the surveyor to get it to be exactly 20,000 square feet and 19,012 square feet. Mr. Annicchiarico said the new line would be close to the shed, so the shed would have to be moved about a foot to be compliant. Mr. Bakker asked if we know the history of when it was zoned R-20 and when the house was built. Village Attorney Porteus replied that she was told this was approved in the late 70's, early 80's. Mr. Annicchiarico stated that they are not asking to create a new building lot that doesn't conform, they are simply asking to try to separate these two houses on to separate lots. William Richard said that his grandmother bought the lot from the America Ice Company. His grandfather built the house in 1950. When his mother got married in 1975 they built the house next door for her mother to live in. He said that the person who lives in his grandmother's house would like to purchase it. Village Administrator Serrano stated the situation is that you are creating a non-conforming lot. The people who live on that lot will not be able to do anything in the future with the house. Mr. Bakker does not want to create a non-conforming piece of property in the Village. It does not seem prudent to do so unless we can get it down to an immaterial number. Mr. Pinque stated it would be very hard to do that. Right now, there is a 9% variance. It is still a non-conforming lot. Mr. Bakker asked if there was any way the Village could say that it is immaterial and then make it a conforming lot even though it is below 20,000? Mr. Bakker suggested that the Village change the whole R-20 section to R-15. Mr. Pinque stated that at the last meeting Mr. Bakker suggested to see if they could buy a section of land from the people behind them. Mr. Annicchiarico stated that is not a feasible option. They are trying to separate two houses that don't need to be together any more.

Eileen Absenger asked that if they made a non-conforming lot would the new owner be able to come before the zoning board for a variance. Village Attorney Porteus answered yes. Eileen Absenger questioned how many other houses in Buchanan have similar situations with two houses on one property. Mr. Pinque said he could think of four houses. There was no other public comment.

Mr. Pinque stated items that need to be considered. They are found in Chapter 211 Zoning, Article 9 Appeals, 211-39 Variances. There are seven factors that need to be taken into consideration.

- 1) That the variation requested is not substantial in relation to the requirement.

The Board agrees that it is substantial and non-conforming. Mr. Mevec stated that if they could get it as close as possible to 20,000 it might then be considered de minimis

- 2) That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.

The Board agrees this will not increase population density.

- 3) That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.

The Board agrees this will not change the character of the neighborhood because the houses have been there a long time.

- 4) That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance.

Mr. Mevec reiterated that the variance should go down as close as possible. Mr. Pinque stated for the record that the applicant could possibly get a small piece of property from the neighbor.

- 5) That the variation would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas.

The Board agrees this would not be the case since it is already existing.

- 6) That the requested variance is the minimum variance necessary to afford relief.

The minimum requested variance would be one lot at 20,000 sq. feet and the other lot at 19,012.

- 7) That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

Mr. Bakker stated that the Village allowed this to happen originally as a benefit even though it shouldn't have happened. Mr. Pinque stated that this is like a self-created hardship since this was all done for the benefit of the family. Mr. Mevec stated that the Village helped the family out a great deal when they did this. Mrs. Fuchion stated she agrees with Mr. Mevec that the variance should be less.

Eileen Absenger questioned if in the future the owner of the non-conforming lot could buy additional property and make the property a true R-20. The response was yes, that could be done.

A motion to close the public hearing was made by Mr. Pinque, seconded by Mr. Bakker, with all in favor.

A motion was made by Mrs. Funchion and seconded by Mr. Mevec to allow the variance if one lot is 20,000 square feet and second lot is 19,012 square feet with the second lot having a deed restriction stating it is non-conforming.

Upon Roll Call Vote:

Chairman Gary Bell	<u>Yes</u>
Member Harmen Bakker	<u>No</u>
Member Mary Funchion	<u>Yes</u> _____
Member Edward Mevec	<u>Yes</u> _____
Member Marco Pinque	<u>No</u> _____

Vote: Resolution carried by a vote of 3 to 2

ADJOURNMENT:

The meeting was adjourned at 8:01 P.M. on a motion Mr. Mevec, seconded by Mrs. Funchion, with all in favor.