

ZONING BOARD OF APPEALS  
VILLAGE OF BUCHANAN  
OCTOBER 9, 2019

PRESENT: Gary Bell, Chairman  
Marco Pinque  
Ed Mevec  
Mary Funchion  
Stephanie Porteus, Village Attorney  
Rosemary Martin, Secretary

ABSENT: Sal Bottiglieri

CALL TO ORDER:

Chairman Gary Bell called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. on October 9, 2019. He informed all attending of the fire regulations and led them in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Ed Mevec, seconded by Mary Funchion, with all present in favor, made a motion to approve the minutes of September 11, 2019 as written. Motion carried.

CAL NO. 2-19-BZ: PUBLIC HEARING FOR VARIANCE APPLICATION FOR INCREASE IN LOT COVERAGE AT 350 BROADWAY. (CONTINENTAL BUILDING PRODUCTS)

The public hearing was held for a lot coverage variance for concrete pads at Continental Building Products (CBP) at 350 Broadway. Initially, the applicant was asked to review its current lot coverage calculations noted on previous site plans and decisions to be 47.11%. Upon undertaking that review, the applicant advised that there was a discrepancy on some of the drawings and that the current lot coverage, not including the within-requested variance, is 49.5%, rather than the previously reported 47.11%. The Planning Board accepted the revised calculations and made the correction to the existing lot coverage.

Marco Pinque, seconded by Mary Funchion, with all present in favor, made a motion to open the public hearing to request a variance for an increase in lot coverage.

The Zoning Board requested that Village Consulting Engineer George Pommer review the lot coverage calculations for accuracy. After his review, the plan was updated. CBP representatives went to the Planning Board meeting in September. The previous impervious surface will remain whether or not approval is granted.

Chairman Bell asked if there was anyone to speak for or against the application or had any questions or comments. There was no one present to speak for or against the application.

The lot coverage will increase from 49.5% to 49.8%. Initially the lot coverage was to increase from 47.1% to 49.5%.

Since there were no further questions or comments, the public hearing was closed on a motion by Marco Pinque, seconded by Ed Mevec, with all present in favor. Motion carried.

A motion was made by Marco Pinque, seconded by Mary Funchion, with all present in favor, to grant a variance for increased lot coverage from 49.5% to 49.8%. Motion carried.

Village Attorney Porteus will prepare a decision in order for signature.

**CAL NO. 3-19-BZ: PRELIMINARY SUBMISSION FOR SPECIAL PERMIT FOR HOME BASED FIREARMS TRANSFER BUSINESS AT 117 BANNON AVENUE. (GEORGE FORMAN)**

George Forman of 117 Bannon Avenue submitted an application for special use permit for home occupation consisting of a home based firearms transfer business at 117 Bannon Avenue. Prior to his submission to the Bureau of Alcohol, Tobacco, Firearms (ATF) that agency requires verification he is not operating illegally.

Village Attorney Porteus noted Section 211-19 of the Zoning code, #9 lists the uses allowed. She advised Mr. Forman to look at that section of the code for compatibility. That is what the Zoning Board's decision would be based on. Chairman Bell stated he and the Board members have not had time to fully research this.

Marco Pinque asked if they are bringing firearms to Mr. Forman. He was advised that clients would bring the firearms to him. The firearms would be cased and locked. Mr. Forman would do an instant background check.

Marco Pinque asked Mr. Forman how long has he had a federal firearms license. He stated he has had a license for two or three years. Mr. Forman advised he is a firearms collector. Marco Pinque asked what type of traffic is expected. Mr. Forman is not expecting much traffic.

If this application for special permit is granted, stipulations can be written into the decision and order. The special permit would only be valid for one year. There will be no signs or advertising on the property.

Chairman Bell called for a motion to schedule a public hearing. A motion was made by Ed Mevec, seconded by Marco Pinque, with all present in favor, to schedule a public hearing for November 13, 2019. Motion carried.

Mr. Forman was advised of the procedures for a public hearing, including mailings of the notice of public hearing to those within 250 feet.

**INTERPRETATION OF VILLAGE ZONING CODE AND SCHEDULE OF USE REGULATIONS REGARDING USE OF PROPERTY AT 250 TATE AVENUE FOR A TATTOO STUDIO AND RETAIL SALE IS A USE PERMITTED BY RIGHT IN C-1 ZONING DISTRICT (BEATRICE KERN)**

Beatrice Kern submitted an application requesting interpretation of the Zoning Code regarding use of property at 250 Tate Avenue for a tattoo studio and retail sale. Is it a use permitted by right in the C-1 zoning district.

The Zoning Board undertook a discussion and heard from the applicant and the Village of Buchanan Building Inspector and considered the following pertinent facts: The Applicant is the proposed tenant of property located in the C-1 zoning district and requests clarification and an interpretation as to whether or not the proposed use of the space is a permitted use in the C-1

Zoning District under Section 211-10 of the Zoning Code. The Applicant intends to have a small tattoo studio wherein she would see customers on an "appointment only" schedule, mostly between the hours of 12:00 p.m. and 6:00 p.m., along with retail space where she would sell items such as candles and additional small items. The products would include handmade goods, books, handmade jewelry, tattoo aftercare and other skin products.

The Site is located within the C-1 District which includes the following Uses Permitted by Right: Restaurants, pharmacies, funeral parlors, food stores, delicatessens, furniture and clothing stores, liquor, sporting goods, stationery, jewelry, camera and photo supply, florist, beauty and barber shops. Additionally the following office uses are permitted: banks, real estate, insurance and professional offices.

After lengthy discussion the Zoning Board of Appeals initially noted that a tattoo studio is not a prohibited use and, moreover, the proposed use is sufficiently similar to beauty and barber shops, as well as several other already permitted uses in this commercial district.

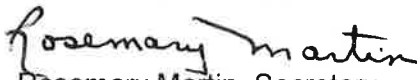
Zoning Board of Appeals hereby interprets that the Proposed Use by Beatrice Kern as described above is a Use Permitted by Right under Section 211-10 of the Village of Buchanan Zoning Code. This is a Type II Action under SEQRA as it consists of the interpretation of an existing Code or Rule. Therefore, no further compliance is required.

Chairman Bell asked Building Inspector Conti if a fee is involved? He also explained that the Board requires that applications be submitted 10 days prior to a meeting. Building Inspector Conti advised the Board Beatrice Kern was ready to sign a lease. Village Attorney Porteus looked at the uses and stated it is sufficiently close to a permitted use in a C-1 district. It was discussed whether or not a public hearing is required.

**ADJOURNMENT:**

Marco Pinque, seconded by Ed Mevec, with all present in favor, made a motion to close the meeting at 7:50 p.m. Motion carried. The next meeting is November 13, 2019.

Respectfully submitted,

  
Rosemary Martin, Secretary