

VILLAGE OF BUCHANAN  
ZONING BOARD  
OCTOBER 11, 2023

PRESENT: Chairman Gary Bell  
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  
Ralph Mazzacone

CALL TO ORDER:

Chairman Gary Bell called the meeting of the Zoning Board to order at 7:00 P.M. He led the Pledge of Allegiance and informed every one of the fire regulations.

APPROVAL OF MINUTES: A motion to approve the September 13, 2023 minutes as presented was made by Mary Funchion, seconded by Marco Pinque with all in favor.

NEW BUSINESS:

Calendar No. 02-23-ZBA – Public Hearing §43.11-2-9 KJNY Management Corporation (Richard Jung) – Front Yard Setback

A motion to open the public hearing was made by Mary Funchion and seconded by Marco Pinque, with all in favor.

Mr. Annicchiarico supplied the green card information that were sent out. Only two cards were returned. He explained the need for the variance and that they are trying to respect the steep slopes on the property. They are requesting a 10-foot front yard variance. Of the 23 properties on that side of the road on Bleakley Avenue there are only about four that meet the front yard setback requirement of 30-feet. Mr. Annicchiarico explained that both corners of the proposed house are exactly 10-feet off the property line. The house will appear to be much further back. The north west corner of the house will be 25-feet from the curb. There is 15-feet from the property line to the curb. The southeast corner of the house will be 29-feet from the curb.

A motion to close the public hearing was made by Mary Funchion and seconded by Harmen Bakker, with all in favor.

A motion to approve the front yard setback from 30-feet to 10-feet at 270 Bleakley Avenue was made by Marco Pinque, seconded by Harmen Bakker, with all in favor.

**DECISION & ORDER**

Petitioner(s): KJNY Management Corporation File No.: **2-2023**

Address: 270 Bleakley Avenue, Buchanan, New York 10511  
Public Hearing Date(s): 10/11/2023

Property Location: **270 Bleakley Avenue, Buchanan, NY 10511**  
Tax Map Designation: Section: **43.11** Block: **2** Lot: **9**  
Present Zoning District: **R10**

Nature of Petition:

Use Variance  Special Permit  Area Variance  
 Interpretation  Other

**Front yard variance to allow for the proposed alterations on the above property.**

The above referred to Petition, having been duly advertised in The Journal News, the official newspaper of the Village of Buchanan, and the matter having duly come to be heard before a duly convened meeting of the Board on the above dates, at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all of the facts, matters and evidence produced by the Petitioner(s), by Village officials and by interested parties having been duly heard, received and considered, and due deliberation having been had thereon, the following Decision and Order is hereby made by this Board. The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board makes the following findings:

1. There is no undesirable change in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance;
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance
3. The requested area variance is not substantial;
4. The proposed variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. The alleged difficulty is not self-created

**Applicant is GRANTED the following one (1) front yard variance based upon drawings by Cronin Engineering, last revised 5/3/2023:**

- A. Front yard variance from 30' to 10' for the proposed structure.**

**This is a TYPE II ACTION under SEQRA. No further compliance is required.**

NOW, THEREFORE, the Petition herein is granted as recited above, and it is further ordered that in all other respects Petitioner(s) comply with all of the rules, regulations and ordinances of

the Village of Buchanan, the Building Department, the Village Engineer, and all other agencies having jurisdiction thereof.

Date Filed: October 11, 2023

-----  
Chairman: Gary Bell  
Zoning Board of Appeals

Calendar No. 03-23-ZBA – Public Hearing §43.20-2-1 Ralph Mazzacone – Consider a continuing lesser impact of a non-conforming use.

A motion to open the public hearing was made by Ed Mevec and seconded by Marco Pinque, with all in favor.

Mr. Mazzacone returned the green card information. He received 19 cards back. Mr. Mazzacone explained that he has an artist that will occupy the space. Village Attorney Porteus explained that under Section 211-35 C a non-conforming use may be changed to another non-conforming use only if such change is more appropriate to the character of the district in which it is located as determined by the ZBA after a public hearing. Mr. Mazzacone stated that a lot of people came forward but this had the least amount of impact on the space. There will be an office and she will be available by appointment only.

A motion to close the public hearing was made by Ed Mevec and seconded by Marco Pinque, with all in favor.

A motion to approve a change of use variance for a lesser use on property located at 3115 Albany Post Road was made by Marco Pinque, seconded by Mary Funchion, with all in favor.

**DECISION & ORDER**

Petitioner(s): Ralph Mazzacone

File No.: **3-2023**

Address: 1 Goldman Court, Cortlandt Manor, NY 10567

Public Hearing Date(s): 10/11/2023

Property Location: 3115 Albany Post Road, **Buchanan, NY 10511**

Tax Map Designation: Section: **43.20** Block: **2** Lot: **01 C-2-480**

Present Zoning District:

Nature of Petition:

[  ] Use Variance [  ] Area Variance  
[  ] Special Permit [  ] Interpretation [  ] Other

**Front yard variance to allow for the proposed alterations on the above property.**

The above referred to Petition, having been duly advertised in The Journal News, the official newspaper of the Village of Buchanan, and the matter having duly come to be heard before a

duly convened meeting of the Board on the above dates, at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all of the facts, matters and evidence produced by the Petitioner(s), by Village officials and by interested parties having been duly heard, received and considered, and due deliberation having been had thereon, the following Decision and Order is hereby made by this Board.

The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board discussed Village Code Chapter 211-35 entitled "Changes to nonconforming uses" and more specifically § 211-35 C entitled "Change of use" and found that the proposed use, while nonconforming, is more appropriate to the character of the district than was the previous nonconforming use. The applicant described the prior nonconforming use as heating and air conditioning and a glass shop, whereas the new nonconforming use would include an artist showroom to display the artist's work as well as space wherein the artist would paint large murals which would be sold to such places as museums and schools.

At the Public Hearing, the Chairman asked the public for comment regarding the application and several members of the public indicated that they were in favor of the change of use. There was no member of the public that spoke against the proposed change of use.

**Applicant is GRANTED a change from a prior nonconforming use to a more appropriate nonconforming use which is found to be more appropriate to the character of the district.**

- A. Change in nonconforming use to consist of an artist performing her artwork, as well as a small showroom wherein she will display her work and welcome customers by appointment only.**

**This is a TYPE II ACTION under SEQRA. No further compliance is required.**

NOW, THEREFORE, the Petition herein is granted as recited above, and it is further ordered that in all other respects Petitioner(s) comply with all of the rules, regulations and ordinances of the Village of Buchanan, the Building Department, the Village Engineer, and all other agencies having jurisdiction thereof.

Date Filed: October 11, 2023

-----  
Chairman: Gary Bell  
Zoning Board of Appeals

ADJOURNMENT:

The meeting was adjourned at 7:20 P.M. on a motion by Marco Pinque, seconded by Harmen Bakker, with all in favor.