

# VILLAGE OF VICTORY ZONING BOARD OF APPEALS

## MONTHLY MEETING MINUTES

April 24, 2017

6:35 pm

### PUBLIC HEARING

Chairman O'Neill opened the Public Hearing for Applicant:

- ❖ **Applicant, James M. Sullivan – CASE # 2017-01**  
**11 Pearl Street, Victory Mills**  
**Variance Request: Several Area Variances for addition to single family residence**  
**District: SF-2**

Chairman O'Neill stated that several area variances are needed in order to allow the construction of a two story, one story addition and an outside deck area to the rear of the current residence. It was stated that should anyone wish to address the Zoning Board of Appeals on this issue to announce your name and address.

Dave and Mary Roberts, West River Road, were present and stated they are building a new residence and it is near 11 Pearl Street and they are in support of the variance requests by the applicant and have no problem with the addition.

Donna Mellon, executor for 15 Pearl Street, received the notice of public hearing and the drawing of what the applicant hopes to put there. She has some concerns of the project but has yet to discuss this with the estate attorney and has not been able to contact him. There are two stories but how far back according to the map provided? She would like to be able to clarify the effects to her property with her attorney. She stated that there have been problems with the land, and shared boundary line and law enforcement has had to intervene. She needs more time and is asking the zoning board to allow her to wait for her attorney to get back to her.

Richard Irish, owns the land behind the estate property and is just a lot currently. He has no problem with the Zoning Board approving the addition as long as down the line they realize he would be needed one as well. He was curious as to the setbacks that have been established.

Chairman O'Neill stated she is a practicing land use planner and has lived in the village and is aware that the village worked with a consultant prior to the adoption of the village zoning law.

Richard Irish wanted to address the run off and the issues that they have been having since Mr. Sullivan has changed the way the run off flows by altering the ground away from his property but onto the Irish property. His attempts to address the issue directly with Sullivan have not been successful. The water collects in pools near the estate's driveway and he wanted to know how the run off is going to be addressed.

Mr. Farndell addressed the ponding issue but noted that the issue is more of a Village of Schuylerville issue as the road is in that municipality. The sidewalk and storm water issue follows suit. The applicant

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will be installing gutters in order to address the run off. A discussion of recent work in that area including culvert installation by Schuylerville. Pictures were presented to reflect what the applicant has dealt with. Mr. Farndell commented the issue is with water run off at the front of the property and attempts have been made to get this resolved by the Village of Schuylerville. A 10-12" culvert runs under the road and then into Fish Creek. A French drain system runs along the neighbor's driveway.

Richard Irish – stated there was a French drainage system. But the property was changed by the applicant to allow the water to drain away from his residence.

Mr. Farndell stated the reason they were here is to discuss the setback variances.

Donna Mellon commented that the family won't always own the property and although she can't agree with the variance requests on short notice stating they just received the notice however she doesn't want any future binding of a variance request when improvements are made on the property when the time comes. She would prefer to be able to discuss this first with her attorney.

Chairperson O'Neill asked if there were any other comments relative to the public hearing topic.

Mr. Farndell stated they were just asking for the variance/setbacks on the existing lot.

Chairperson O'Neill asked again if there were any more comments. There were none. O'Neill closed the public hearing.

Regular Meeting of the Zoning Board of Appeals
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The regular meeting was called to order at 6:47pm by Chairperson Jaime O'Neill.

Roll Call:

Chairperson Jaime O'Neill – present, Terrie Wolcott - present, Heather Freebern – present and Recording Secretary Maureen Lewsey - present.

Announcements:

- ❖ No new announcements

Approval of Minutes:

- ❖ **ZBA member Terrie Wolcott made a motion to approve the March 20, 2017 minutes with ZBA member Heather Freebern seconded the motion. Vote: 3-0. All Ayes. Motion Passed.**

Returning Applicant:

- ❖ **Applicant, James M. Sullivan – CASE # 2017-01**  
**Request: Several Area Variance for addition to single family residence**  
**District: SF-2**



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Chairperson O'Neill states the applicant has clarified any outstanding matters and answered any questions. The village Code Enforcement Officer had referred the applicant to the Zoning Board of Appeals for several area variances in order to proceed on the building permit application for an addition. Chairperson O'Neill opened the inquiry to the Zoning Board for any questions at this point. Since there were no comments, O'Neill said the Zoning Board is considering five variances. After a brief review of the exact dimensions it was stated the overall variance request is as follows; *Lot Area 267 square feet, Lot Width 55.47', Front Yard 15', Side Yard (North) 16.9' and Side Yard (South) .57'*. **Chairperson O'Neill made a motion to approve with condition, the variance requests as outlined above with the following condition: the applicant must provide proper drainage away from any adjoining property and this approval must adhere to providing this condition, with ZBA Member Freebern seconded the motion. Vote: 3-0. All Ayes. Motion Passed.**

It was stated a Notice of Action will be mailed to the applicant, provided to the Village CEO with the original notice placed in the applicant's file.

New Application:

- ❖ **SPPBCO Ventures, LLC**  
**Jessica Arceri, Owner**  
**41 Gates Avenue, Victory Mills**  
**Variance Request: Use Variance to establish light manufacturing of nut butter/Special Use Permit needed from Village Planning Board.**  
**District: MUVC**

Chairperson O'Neill states that a use variance has been requested, and is an applicant from a referral by the village Planning Board, in order to create a business use at 41 Gates Avenue. The building was recently purchased and the owner plans to relocate a current business operation. Chairperson O'Neill asked if there was any retrofitting of the existing building. Ms. Arceri replied yes. O'Neill also asked if she had provided a site plan map to the planning board and Ms. Arceri replied yes. Arceri stated that there was one office space and they had split that into two including refinishing the wood floors. Chairman O'Neill inquired about the parking area (back), and about access to the site. Arceri replied that the business office will have access from the front of the building with rear access for employees. She also stated they only need the main floor. O'Neill inquired as to how many employees; reply: 1 production, 1 office staff and 2 seasonal employees. O'Neill inquired how the product is getting to Hannaford etc for resale. Arceri stated they have a small box truck that is used for deliveries. Arceri noted that with the larger space it will allow for a month's supply of peanuts by palette and be more cost effective getting the main product in bulk (monthly delivery). UPS could make some deliveries as well. She stated that the larger order of peanuts could be delivered by tractor trailer and O'Neill provided the concern of narrow village streets. O'Neill commented that the reason for the number of questions will aid in determining the use variance and of the use activities that will happen in this location. Arceri was asked if she has been in touch with the fire department yet. She commented no that the production equipment the very small area and runs off an air compressor. There were will be no outside exhaust necessary. ZBA Member Wolcott stated her concern was mostly about the deliveries and traffic on Route 32 and how the impact would be but followed up if the delivery was once/month it is small impact. Arceri commented that she can get better pricing since there is sufficient space for storage of the product. ZBA Member Wolcott asked about use of the other space (floor). Arceri stated she wasn't sure at this

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time. Chairperson O'Neill asked about the status of her application with the planning board. Arceri just confirmed that the application was denied and that she has been going through the zoning process for the variance and that she hasn't been back to the planning board yet. A review of the public hearing process and time line. **ZBA Member made a motion to schedule the Public Hearing for a Use Variance for the applicant stating that notices need to be out by May 15, 2017 and that the Public Hearing date will be May 22, 2017 at 6:35pm. This is a date change from the 3<sup>rd</sup> Monday to the 4<sup>th</sup> Monday due to a conflict with ZBA Member Freebern seconded the motion. Vote: 3-0. All Ayes. Motion Passed.**

Old Business: None

New Business: None

Open Floor:

- ❖ Donna Mellon – She commented to the Zoning Board that she was a little irritated that she just received the detailed plans of the public hearing from the applicant. It is noted that the public can be heard but when she came to express why she was concerned and how she needed the additional time to consult with her attorney, it was ignored – she then stated she didn't expect the Zoning Board to provide a response – She inquired about installing a fence and what was required. It was confirmed a building permit is required and must be by application through the village Code Enforcement Officer and the procedure or process would begin and be reviewed from the application submitted.

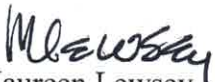
Next Meeting:

- ❖ The next meeting has been rescheduled from May 15, 2017 to May 22, 2017 at 6:35pm with a public hearing scheduled as the regular meeting will follow. The legal notice for the public hearing will be placed ten days before the meeting date as required.

Adjournment:

**ZBA Member Terrie Wolcott made a motion to adjourn the meeting with ZBA Member Heather Freebern seconded the motion. Vote: 3-0. All Ayes. Meeting Adjourned.**

Respectfully Submitted,

  
Maureen Lewsey  
ZBA Recording Secretary