**VILLAGE OF VICTORY**

**ZONING BOARD OF APPEALS**

**MONTHLY MEETING MINUTES**

July 20, 2015

6:30 pm

Chairperson Jaime O’Neill could not call the meeting to order as she was waiting for another board member as the meeting time is 6:30 not 7:00, there was misunderstanding of the time. The remaining board member is on vacation. Chairperson O’Neill agreed to have a discussion only since the applicants were in attendance and agreed if necessary to schedule a second meeting if a lack of quorum remained.

There was a brief discussion on the application request, the location, the access on the Fish Creek and the time constraints of the project for DA Collins on the Brookfield Power property.

Board Member Wolcott arrived to the meeting with apologies and so the meeting began;

Roll Call:

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

Announcements: None

Approval of Minutes:

* Meeting minutes were TABLED at this time as the meeting was late and a full board was not present.

Returning Applicant: None

New Application:

**Case 2015-02**

Applicant, D.A. Collins Construction

David Perry

269 Ballard Road

Wilton, NY 12189

Owner, Brookfield Power

Lee Talbot

297 Big Bay Road

Queensbury, NY 12804

*Purpose: Use Variance in SF-2 and Fish Creek Drainage Overlay District*

*To establish a temporary use of docking site in order to complete work on the Schuylerville Dam.*

Chairperson O’Neill brought Board Member Wolcott up to speed as to the use variance request and the information shared about this project. Originally the work was to commence from the east side of the creek on the Roberts property. There was a private agreement with the property owner Dave Roberts. The village was alerted to the project once the property was cleared down to the creek shoreline and material was brought in to create a roadway. Since that happened and this meeting, the village issued a

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stop work order and the contractor DA Collins reached out to Brookfield Power to utilize this property to the west side of the creek. Although more costly to do Dave Perry stated he had a contract to work on the Schuylerville Dam and it would be very costly if he did not complete the work on time. Chairperson O’Neill asked about how they were going to create the barge area. Photos were shown of the current site and the proposed docking site. A roadway is being created in order to provide crane access to the docking site and will be placing floats that create a work site area in order for work to be done to the Dam. The docking area created is about 20X50 as stated by Lee Talbot. Although this site is also in the village and is not in compliance with the zoning law and has not received a variance, Perry stated he has no choice the work is under contract with the Federal Government and he has a deadline of October 31, 2015 to complete this project. He met with Roberts and village Mayor John Sherman and according to Perry they did not mention the property was in Victory. Schuylerville has no zoning therefore no variance to obtain he stated it was a misunderstanding. The roadway is being constructed on property located in Schuylerville but the docking site is located in Victory on Fish Creek. Chairperson O’Neill asked how wide the road is and it is about 25X30 to 25X50 max. There was questions on how secure is that roadway and if a gate would be installed and it was stated they are securing it by a gate. Other measures will have to be considered once the project is complete. Chairperson O’Neill asked about silt fencing as she didn’t see any. Perry replied there isn’t right now but will be. The zoning law was referenced as the use variance is for access to Fish Creek in the drainage overlay district and creating the temporary docking area. The stop work order was issued once on the Roberts property and secondly on the Brookfield Power property. The work hours are Monday – Friday 7-5:30pm and there are about 5-6 people in the job trailer. At the work site porta-johns will be used by employees. As far as the work being done to the Dam, Talbot stated that the Dam has to allow a maximum flow at a maximum flood level and an auxiliary spillway that can handle more flow. Other permits have been received and will be sent to the village (and will be necessary to include with the referral application to the County Planning Board). Board Member Wolcott said she was concerned with the work being done in the Fish Creek Drainage Overlay without getting variance first. But the only concern is the work being done in this area as it pertains to zoning. And the variance is a requirement. Dave Perry stated that the property in the 50’ drainage overly will be restored to better conditions after the project. Chairperson O’Neill outlined the next steps in order to move forward and are as follows; Referral is required under GML §239, once the application is deemed complete the zba has thirty days to make a decision. The next SCPB meeting is August 20, 2015 and so the zba meeting will be changed from the 3rd Monday to the 4th Monday to allow the recommendation from the SCPB be sent to the village. The short form EAF needs to be updated to allow for the changing of the site from Roberts property to the Brookfield property off Route 4. Pictures will need to be included in the referral application. Perry stated that they have a DOT temp construction access permit, and a DEC permit. Chairperson O’Neill stated she will allow a different planner to be assigned the referral and she will recuse herself since she is Chairperson of this board yet a planner with the SCPB. O’Neill and Perry both discussed and recognized the position the village was put in yet O’Neill commented that this procedure must be followed so that an Article 78 proceeding would or could not be initiated on the village zba for not following the steps in the variance request. Chairperson O’Neill said the concern was the condition of the Fish Creek Drainage Overlay and that the zba will have the ability approve, deny or approve with conditions. **Chairperson O’Neill made a motion to allow the temporary use variance for DA Collins and Brookfield Power to work at the Schuylerville Dam with Board Member Wolcott second the motion. Vote: 2-0. All Ayes.**

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Old Business:

The approved trail by the village planning board last year has finally begun. Saratoga Plan has started to create the trial along Route 4. No information has been received to date as to the completion date as it originally was hoped to be completed by December 2014.

New Business: None

Open Floor: None

Next Meeting:

* August 24, 2015 at 6:30pm

Adjournment:

**ZBA Member Terrie Wolcott made a motion to adjourn the meeting with Chairperson Jaime O’Neill seconded the motion. Vote: 2-0, All Ayes. Meeting Adjourned.**

Respectfully Submitted,

Maureen Lewsey

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ZBA Recording Secretary