

VILLAGE OF VICTORY
ZONING BOARD OF APPEALS
AGENDA
MAY 22, 2017

Public Hearing 6:35pm

- ❖ **Case # 2017-02**
SPBCO Ventures LLC
Owner, Jessica Arceri
Use Variance Request: 41 Gates Avenue/special use permit needed to establish business
Mixed Use Village Center District (MUVC)

Chairperson O'Neill opened the Public Hearing and asked for public comments on the application in the Mixed Use Village Center District. There was a small group of interested residents in attendance.

Public Comment:

Melissa Bonesteel, 31 Gates Avenue – Ms. Bonesteel asked if the product was made strictly out of peanuts vs. tree nuts. She has a daughter who has a tree nut allergy and was concerned. Ms. Arceri commented that she uses peanuts in all of her nut butters and that the process is very contained with no exhaust. All waste is capped and sealed in boxes and that no roasting is done on the premises. Arceri notes that she has been in business for 12 years and will have 3 part time employees. Ms. Bonesteel confirmed that no almonds are used or almond butter processed. Arceri commented no, none.

After no more public comments were received, O'Neill closed the Public Hearing.

Open Regular Meeting Immediately following Public Hearing

Roll Call:

Present - Chairperson Jaime O'Neill, ZBA Board Members Terrie Wolcott and Heather Freebern. Also present Secretary Maureen Lewsey.

Announcements: None

Approval of Minutes

- ❖ April 24, 2017 Regular Monthly Meeting: Chairperson O'Neill stated that a correction was needed on the approval of the motion as followed. **ZBA member Terrie Wolcott made a motion to approve the minutes from last month with the correction; the motion was made by Terrie Wolcott was seconded by Heather Freebern on Case #2017-01 Sullivan – with ZBA member Heather Freebern seconded the motion. Vote: 3-0. All Ayes. Motion Passed.**

Returning Applicant:

- ❖ **Case # 2017-02**
SPBCO Ventures LLC
Owner, Jessica Arceri
Location: 41 Gates Avenue
Use Variance Request: Special Use Permit – Referral from Planning Board
Mixed Use Village Center District (MUVC)

Chairperson O'Neill reviewed the list of residents within the 500' radius for notification and also was provided the proof of mailing. O'Neill asked if the zoning board had any discussion or other questions before proceeding. She outlined that the SEQRA part 2 (Impact Statement) and part 3 (Determination of Significance) would have to be completed prior to decision.

Chairperson O'Neill inquired with the applicant how things were going with the planning board process. Arceri noted that she stopped by the village office and was informed of the planning board meeting. O'Neill mentioned the site plan map showing parking, exits and loading would be important to get sooner vs. later.

Any questions or comments from the board at this time. Having none the meeting continued.

O'Neill stated the SEQRA review will be for the Use Variance that is before the zoning board; in order to create and establish business space in a commercial property. It is an unlisted action and the Short EAF was completed by the applicant also known as Phase I. **ZBA member Freebern made a motion to declare the Village Zoning Board of Appeals the Lead Agency of the SEQRA process with ZBA member Wolcott seconded the motion. All Ayes.** O'Neill has the original Part 2 and Part 3 forms to be completed by the ZBA board. The board went line for line in their review process. A negative declaration was determined and so the chairperson signed off that the project will not result in any significant adverse environmental impacts. After brief discussion, **ZBA member Wolcott made a motion to approve the Use Variance for Saratoga Peanut Butter Company LLC at 41 Gates Avenue with ZBA member Freebern seconded the motion. All ayes.** Chairperson O'Neill stated a Notice of Action will be completed and forwarded within 5 days. ZBA Secretary Lewsey stated she will also forward the Notice of Action to the Village Planning Board and to the Village Code Enforcement Officer.

New Applications:

❖ Case # 2017-03

Mechelle Fisher

1 Jay Street Victory Mills

Variance Request: Area Variances for 10X11 Porch

District: SF-2

Chairperson O'Neill stated a review of the application will take place tonight even though the applicant was not available due to her work schedule. The applicant is a referral from Code Enforcement Officer for setback requirements that can't be met. The contractor who will replace a landing on the side entry (north side) proposes to construct a 10x11 deck. The exact boundary line or setback needed on the property cannot be determined therefore the owner has arranged for survey work to be done in early June. The owner will provide the survey map prior to the next meeting. An email will be sent of the survey map as well and zba secretary Lewsey will forward that to the ZBA board in anticipation of the public hearing. A brief discussion was held on the date of the next meeting and getting the additional information from the applicant. The application has been tabled and the ZBA board will discuss the date of the next meeting via email.

Old Business: None

New Business:

Chairperson O'Neill notes that we will be reviewing the boundary issue on the new applicant's continuation of the variance request next month.

Next Meeting:

The next meeting would regularly be held on the 3rd Monday or June 19, 2017 at 6:30pm. However, the meeting will be rescheduled for either Wednesday June 21st or Thursday June 22nd. Confirmation of the date will be through email and will be posted at the village office.

Adjournment:

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

Respectfully Submitted,

Maurice Lewsey

ZBA Secretary