**VILLAGE OF VICTORY**

**ZONING BOARD OF APPEALS MINUTES**

AUGUST 19, 2019

**PUBLIC HEARINGS**

PUBLIC HEARING 6:30pm

OPEN FLOOR

Chairperson Jaime O’Neill opened the public hearing at 6:32pm, and asked for any comments relative to the variance request to include your name and address for the following matter:

**CASE 2019-03: Thomas Bonesteel 31 Gates Avenue District: MUVC**

Requesting: Lot area, lot width and north side setback variances

Purpose: 12x16 addition to single family residence

Chairperson O’Neill stated that the variance was for lot width, lot area and north side setback and are considered pre-existing non-conforming lot for the single family residence.

CLOSE PUBLIC HEARING

Having no public body offering comments, the public hearing was closed at 6:33pm.

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PUBLIC HEARING 6:40pm

OPEN FLOOR

Chairperson Jaime O’Neill opened the public hearing at 6:33pm, and asked for any comments relative to the variance request to include your name and address for the following matter:

**CASE 2019-04: Regan Development, Developer**

 **Riverview Realty LLC, Owner 42 Gates Avenue District: MUVC**

Requesting: Lot area, rear yard setback and parking space variances

Purpose: Develop Mill Building into 1 and 2 family units including 5,000sf of commercial space

Leslie Rathbun, 5 Herkimer St. – inquired as to how much the apartments are going to cost. (Although this type of information would be available at the planning board it was allowed) Jamie Easton, MJ Engineering replied that for a single family unit the approximate cost is $850-$1,100. Mr. Rathbun also stated that as far as the parking spaces, everybody has cars and was concerned over the variance.

CLOSE PUBLIC HEARING

Since there were no other comments, the public hearing was closed at 6:34pm.

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**REGULAR MONTHLY MEETING**

CALL MEETING TO ORDER

Chairperson O’Neill called the meeting to order and asked Secretary Lewsey to take the roll call.

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ROLL CALL: Present; Members: Chairperson Jaime O’Neill, Alternate Member Michele Marshall and Secretary: Maureen Lewsey. Absent: Terrie Wolcott and Heather Freebern (Ms. Freebern joined the meeting under the regular meeting section).

ANNOUNCEMENTS: None

APPROVAL OF MINUTES

* July 15, 2019 ~ Regular Monthly Meeting: Chairperson O’Neill stated there were minor revisions of the minutes and they were updated and circulated again, she opened the floor for a motion to approve. Since alternate member Marshall was absent at this meeting, the minutes were **TABLED**.

RETURNING APPLICANTS:

* + **2019-03**

**Thomas R. Bonesteel**

31 Gates Avenue

Victory Mills, NY 12884

**District: MUVC**

**Request: Lot area, lot width, north side setback cannot be met**

Chairperson O’Neill asked if there was anything to add or to be discussed. As there was not, the meeting proceeded. It was confirmed that Mr. Bonesteel mailed the proper notice of the public hearing to residents within the 500’ radius and provided the proof of mailings to Secretary Lewsey for the file. Both Chairperson O’Neill and ZBA member Marshall had reviewed the application and its request and have reviewed the variance as proposed. **ZBA member Marshall made a motion to approve the variance request as follows; 2,750 sf lot area, 25’ lot width variance and 14’ north side setback for construction of a 12x16 addition to an existing single family residence with Chairperson O’Neill seconded the motion. Vote: 2-0, all ayes. Motion Passed.** It was noted that a notice of the decision will be provided to the applicant and to the village code enforcement officer. This variance request allows the applicant to move forward on the building permit process.

* + **2019-04**

**Applicant: Regan Development/Larry Regan**

**Owner: Riverview Realty LLC/Uri Kaufman**

42 Gates Avenue

Victory Mills, NY 12884

**District: MUVC**

**Request: Lot area, rear yard setback and parking space requirement cannot be met**

Jamie Easton from MJ Engineering was present and stated that the review of the ZBA were three variances only; he explained that the rear setback was for the building’s closest point of the rear boundary line (creek side), forty-one (41) parking spaces and percentage of lot coverage.

There was a discussion on the number of parking spaces required, the banked parking spaces and spaces needed for the commercial space. Some of the spaces are to be phased in especially related to improvements of the commercial space noted as a brewpub/brewery. There will be ample spaces as people come and go. The total of 329 spaces would be required and explained this way; initially 219 spaces will be created with 26 spaces on the south end and 43 on the north end being banked parking, meaning created when necessary, equaling 288.

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The difference is 41 spaces needed for the variance. The idea is not to have a huge parking lot that remains

mostly empty, example Walmart locations. They have to anticipate for seasonal shoppers but mostly a small percentage is occupied during the off season.

With the full banked improvement, the percentage of lot coverage grows to 67.8. The zoning law permits 40 percent. This is the reason the variance of 27.8 percent is needed. This includes all impervious surfaces including the sidewalk area.

When it comes to rent/renting, there is a formula used to determine the median income for Saratoga County and of the community and exact figures will be presented during the site plan review. It was estimated that rent for a one bedroom unit could be $850.00-$1,100.00. These figures are not market rate but rather based on the workforce housing with the units built to HUD standards.

Resident Leslie Rathbun, Herkimer Street – asked about the parking lot and its creation. Easton replied that the one story building that sits in front of the current mill will be torn down to accommodate the parking spaces needed. It also allows for the grade of the parking lot to be lower than that of the street so visually should not be a big impact including a retainer wall to be built.

ZBA member Marshall inquired about the part of the mill, specifically the building that is falling down, and asked what is the plan to remove it? Easton replied although it is an eyesore, they can’t go over to that property, it’s not on this property. It’s possible the owner may look at it during the construction or have a handshake during construction. Easton added there is a brick pile that has fallen on the mill property.

Easton reviewed the parking lot determinations and followed up that overall it’s a 12 percent reduction.

Chairperson O’Neill asked ZBA member Marshall if she had any more questions or wanted to entertain a motion. It was at this time that ZBA member Freebern joined the meeting (7:00pm). Easton reviewed the general discussion on park design and that things can change pending the number of units approved, noting that he was looking for the parking reduction as outlined on the plot plan. This idea has been presented to the planning board and it is based on the input from the planning board. Chairperson O’Neill stated the zba could see the applicant back only if further changes were made by the planning board.

Saratoga County offered the decision of no significant county wide or inter community impact. Under the comment area however it notes that there should be ample information on the banked parking sites and also factored into the percentage of lot coverage. Since that was confirmed, there was no need to address that item.

The applicant ensured that proper notices were mailed to residents within a five hundred foot (500’) radius of the mill boundary of the potential development and the holding of the public hearing with the ZBA. Proof of mailing was provided to Secretary Lewsey for the file.

Since there were no further comments, **ZBA member Freebern made a motion to approve the variance request as follows; 27.8 percentage of lot coverage, 7’.7” and 41 parking spaces with Chairperson O’Neill seconded the motion. Vote: 3-0, all ayes. Motion Passes. Variances approved.**

MINUTES APPROVAL: It was at this time that the July 15, 2019 minutes were discussed. **ZBA member Freebern made a motion to approve the minutes as updated with Chairperson O’Neill seconded the motion. Vote: 2-1 (abstention due to absence). Motion Passed. Minutes Approved.**

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NEW APPLICATION: None

OLD BUSINESS: None

NEW BUSINESS: None

NEXT MEETING

* 3rd Monday, September 16, 2019 at 6:30pm, if necessary

Village Resident, Terri Perry, Herkimer Street, joined the meeting late. She noted her concerns of the traffic impact, asked about rent structure, impact to the school district, inquired about the playground (HUD required), the need for creating post office changes (space will be provided in the mill for post office boxes and mail to be distributed by personnel) and the overall village impact.

Martin Mittelmark noted to Easton that he owns the three acre parcel that adjoins the mill property. Easton replied he was aware of the ownership but had nothing to do with acquisition of more land. That would be up to the owner/developer.

Terri Perry asked about the houses that border (on the North West side) the mill property. Would there be interest in buying them, at this time Easton replied no, as it’s not needed.

There was a general discussion about the financing being sought, the PILOT program through the IDA and that process.

Terri Perry inquired about the impact to the water system and then the sewer system. Easton noted that a meeting will be held with Schuylerville on the impact to the waste water treatment plant sometime after Labor Day. Easton said the engineering will be based on that meeting but the 6” force main already in place is plenty big and doesn’t see a need for a new improvement. It is estimate that 34,000 gpd will be generated.

Easton had a brief discussion on previous developments completed or in process by Regan Development and the financing aspects of the project.

ADJOURNMENT

**ZBA member Freebern made a motion to adjourn the meeting with ZBA member Marshall seconded the motion. Vote: 3-0, all ayes. Motion passed. Meeting adjourned.**

Respectfully Submitted,

Maureen Lewsey

ZBA Secretary