

**VILLAGE OF VICTORY  
SARATOGA COUNTY, NEW YORK**

A special meeting of the Planning Board of the Village of Victory, Saratoga County, New York was convened in public session at the Village Building, 23 Pine Street, Victory Mills, New York on December 22, 2020, at 6:00 o'clock p.m. local time.

The meeting was called to order by Corey Helwig, Planning Board Chair and, upon roll being called, the following members were:

**PRESENT:**

Corey Helwig, Planning Board Chair  
Bill Lloyd, Board Member  
Jake Fort, Board Member  
Tim Fort, Board Member  
Pete Healy, Board Member

**ABSENT:**

None

The following persons were ALSO PRESENT:

Maureen Lewsey, Recording Secretary  
Al Longtin & ~~Kurt Bedore~~ (Longtin Engineering, PLLC)  
Michael J. Catalfimo, Esq., Village Attorney  
Jaimie Easton (MJ Engineering)

The following resolution was offered by Planning Board Chair, Corey Helwig, seconded by Planning Board Member Bill Lloyd, to wit:

**42 GATES AVENUE MILL BUILDING RENOVATION PROJECT  
SITE PLAN APPROVAL RESOLUTION  
DATED DECEMBER 22, 2020**

**A RESOLUTION APPROVING, WITH CONDITIONS, A SITE PLAN APPLICATION BY REGAN DEVELOPMENT CORP. FOR THE 42 GATES AVENUE MILL BUILDING RENOVATION PROJECT IN THE VILLAGE OF VICTORY, SARATOGA COUNTY, NEW YORK.**

**WHEREAS**, Regan Development Corp. (the "Applicant") has proposed to renovate an historic Mill Building currently owned by Riverview Realty LLC/Uri Kaufman (the "Owner") and located on property commonly known as 42 Gates Avenue in the Village of Victory, Saratoga County, New York (Tax map. No. 170.30-2-27.1) (the "Property"), and to operate such building and property as a mixed-use facility with 186 residential apartments (the "Residential Use"), a

commercial brew pub and associated amenities (the "Ancillary Commercial Uses") (together, the "Project"); and

**WHEREAS**, in connection with said Project, the Applicant desires to obtain approvals from various local, county and state agencies (the "Involved Agencies") relative to funding, construction and/or operation of the Project; and

**WHEREAS**, the Village of Victory Planning Board (the "Planning Board") is one of the involved agencies from which the Applicant desires an approval in connection with the Project; and

**WHEREAS**, the Planning Board has before it for consideration an application for site plan approval of the Project; and

**WHEREAS**, all of the proposed uses of the Property are permitted in the Mixed-Use Village Center District with Site Plan Review and approval of the Planning Board; and

**WHEREAS**, the State Environmental Quality Review Act ("SEQRA"), Section 8-0103 of the Environmental Conservation Law ("ECL"), provides for the review of government actions to determine the effect of said actions on the environment and for related administrative procedures in 6 NYCRR Part 617 for the implementation of said review; and

**WHEREAS**, the effects of such actions on the environment are to be examined by the Lead Agency in making its determination; and

**WHEREAS**, a full environmental assessment form (the "FEAF") has been prepared by the Applicant and submitted to the Planning Board in connection with the Project; and

**WHEREAS**, a regular meeting of the Planning Board was held on June 18, 2019, at which meeting Part I of the FEAF was duly accepted for filing by the Planning Board and the Planning Board adopted a resolution (i) classifying the Applicant's Project as a Type I action, as defined in 6 NYCRR §§ 617.2(a) and 617.4(b)(9), (ii) determining that a coordinated review of the Project, pursuant to 6 NYCRR 617.6(b)(3), is desirable and appropriate, and (iii) declaring itself lead agency and directing that notification of lead agency status and part I of the FEAF be distributed to all of the involved and interested agencies identified by the Planning Board ("Notice of Establishment of Lead Agency"); and

**WHEREAS**, letters were duly forwarded to all involved and interested agencies on July 2, 2020, enclosing copies of the Notice of Establishment of Lead Agency, Part I of the FEAF, a List of Involved and Interested Agencies and the Project Application; and

**WHEREAS**, the Planning Board has either received the consent of each of the other involved agencies that this Board act as lead agency for this SEQRA review, or at least 30 days have passed since the Notice of Establishment of Lead Agency was provided and no objections to this Board servicing as lead agency have been received; and



**WHEREAS**, the Planning Board has retained professional engineers, Longtin Engineering, PLLC (the "Consulting Engineers"), and a land use attorney, Michael J. Catalfimo, Esq. (the "Village Attorney"), to assist it in reviewing this application; and

**WHEREAS**, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the site plan application materials and the FEAF; and

**WHEREAS**, on or about June 12, 2020, the Planning Board referred the application materials including Part I of the Full EAF to the Saratoga County Planning Board for review and consideration in accordance with Section 239-m of the NYS General Municipal Law; and

**WHEREAS**, in a letter dated June 19, 2020 the Saratoga County Planning Board concluded in its decision that the proposed redevelopment of the Victory Mills property presents "No Significant County Wide or Inter-Community Impact"; and

**WHEREAS**, on August 17, 2020 at 6:00 o'clock p.m. the Planning Board held a duly noticed public hearing on the site plan application, which was conducted simultaneously in person, at the Village of Victory Office Building, 23 Pine Street, Victory Mills, New York, and online via Zoom-enabled video conference, and heard all persons interested in the subject thereof who attended the meeting and spoke or submitted written or electronic comments with respect thereto; and

**WHEREAS**, upon the conclusion of the said public hearing held on August 17, 2020, the Planning Board closed the hearing as it relates to the SEQRA review and the site plan application; and

**WHEREAS**, on December 22, 2020, the Planning Board, as the SEQRA lead agency, adopted a written negative declaration for this application concluding that the proposed redevelopment of the 42 Gates Avenue Mill Building Property would not have any significant adverse environmental impacts; and

**WHEREAS**, the Planning Board has thoroughly reviewed and considered all of the information submitted in connection with this Application, including information submitted by the Applicant, the Applicant's consultants, the Board's consultants, the County Planning Board, involved and interested agencies identified as part of the SEQRA process, and members of the public who participated in the public hearing held on August 17, 2020; and

**WHEREAS**, the Planning Board has also considered the criteria for issuing site plan approval set forth under Article 7 Site Plan Review of the Village of Victory Zoning Law;

**NOW THEREFORE, be it**

**RESOLVED**, that the Planning Board of the Village of Victory, having complied with SEQRA and basing its decision upon Applicant's request and the entire record of submissions following the application, and having fully and carefully deliberated thereon, hereby approves,

with conditions, the site plan application as depicted in the Site Plan Drawings listed below; and be it further

**RESOLVED**, that this approval is subject to compliance with all of the following conditions:

1. Conditions to be Satisfied Prior to the Signing of the Site Plan:

The following conditions and obligations shall be fulfilled and satisfied prior to the Planning Board Chairman's endorsement of the final approved site plan:

- 1.1. The applicant and the current Owner shall sign and return one copy of this resolution of conditional approval (the "Approval Resolution") to the Planning Board, indicating their acceptance of all conditions of approval. Failure to sign this Approval Resolution within forty-five (45) days shall render this approval null and void unless an extension of time is granted by the Planning Board upon good cause shown.
- 1.2. The Site Plans shall contain an updated revisions date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain original signatures of the Owner and the Applicant.
- 1.3. The owner shall execute and deliver to the Planning Board a Land-Banked Parking Agreement for recording in the real property records of the Saratoga County Clerk, in such form as shall be approved by the Village Attorney, indicating the owner's agreement to construct all or a portion of the land banked parking facilities specified in the final approved site plan if and when required by the Village to do so.
- 1.4. The applicant shall pay to the Village of Victory (the "Village"), by certified or cashier's check, wire transfer or other method of payment deemed acceptable to the Village, any outstanding professional review fees and shall deposit into the existing Escrow Account established pursuant to Article 9 (D) of the Village Zoning Law, an amount deemed sufficient by the Village to reimburse the Village for any future professional fees to be incurred by the Village.
- 1.5. Upon completion of conditions 1 through 4 above, eight (8) sets of the final approved site plan shall be submitted for endorsement of the Planning Board Chairman. One (1) set of the endorsed final approved site plan will be returned to the Applicant, two (2) sets will be retained by the Planning Board, two (2) sets will be provided to the Village's Consulting Engineers, and one (1) set each will be provided to the Village Clerk, the Village Code Enforcement Officer and the Village Attorney. If there are any changes to the approved plans, other than minor changes approved by the Consulting Engineers or Code Enforcement Officer, the Applicant must return for amended site plan approval from the Planning Board.



2. Conditions to be Satisfied Prior to Site Development and Issuance of Any Building Permits for the Project:

The following conditions and obligations shall be fulfilled and satisfied prior to the issuance of a building permit (“Building Permit”), or the beginning of any construction activity on the project site—including, without limitation, any soil disturbance activity or machinery operations creating vibratory loads (“Construction Activity”):

- 2.1. All conditions set forth in Section 1 of this Resolution shall have been fulfilled and satisfied.
- 2.2. All outstanding engineering comments shall be addressed to the satisfaction of the Village’s Consulting Engineers.
- 2.3. All storm water pollution prevention permits (“SWPPP”) must be obtained and submitted to the Planning Board and the Village’s Consulting Engineers.
- 2.4. All required approvals/permits by federal, state and local regulatory agencies shall be issued and filed with the Planning Board and the Village’s Consulting Engineers, including, without limitation:
  - 2.4.1. NYS Department of Transportation (access and egress onto NYS Route 32, sidewalk reconstruction and cross-walk);
  - 2.4.2. NYS Department of Environmental Conservation (SWPP/SPEDES Permit);
  - 2.4.3. NYS Department of Health (Public Water Supply Improvement Approval);
  - 2.4.4. NYS Historic Preservation Office (construction documents approval);
  - 2.4.5. NYS Department of State (NYS Building Code Variance(s));
  - 2.4.6. Village of Schuylerville Sewer Department (SPEDES Permit); and
  - 2.4.7. Village of Victory Zoning Board of Appeals (Zoning Variance(s)).
- 2.5. The Applicant and Owner shall execute and deliver to the Planning Board that certain Environmental Impact Mitigation Agreement (Abutting Property Life and Safety Hazards) dated as of December 22, 2020, made by and between the Applicant, the Village, the Planning Board and the Owner (the “EIMAP Agreement”).
- 2.6. All Abutting Property Life and Safety Hazards shall be fully abated to the satisfaction of the Village in conformance with the provisions of the EIMAP Agreement.

- 2.7. The Applicant shall pay into the Escrow Account established by Agreement dated July 8, 2019, a sum of money, as determined by the Planning Board in consultation with the Village Consulting Engineers and Village Attorney, sufficient to cover the costs of (i) any necessary third-party inspection and construction-monitoring services; and (ii) any continuing professional services reasonably required by the Planning Board in connection with the issuance of Project permits and the performance and monitoring of construction services.
- 2.8. The Developer shall execute and deliver to the Planning Board that certain Environmental Impact Mitigation Agreement (Water System) dated December 22, 2020, made by and between the Applicant, the Village, the Planning Board and the Owner (the "EIMWS").
- 2.9. The Developer shall remit to the Village the Water System Mitigation Payment provided for in paragraph 2(a) of the EIMWS.

3. Conditions to be Satisfied Prior to Commencement of Work:

The following conditions and obligations shall be fulfilled and satisfied prior to the commencement of any work or construction activity on the Project Site:

- 3.1. All conditions set forth in Sections 1 and 2 of this Resolution shall have been fulfilled and satisfied.
- 3.2. A site visit shall be conducted with the Applicant, contractor, design engineer, architect, Code Enforcement Officer, and the Village's Consulting Engineers. Prior to the site visit, all erosion and sedimentation controls shall be properly installed and the limits of disturbance shall be staked in the field by a licensed land surveyor as specified on the approved Site Development Plans.

4. Conditions to be Satisfied During Construction:

The following conditions and obligations shall be fulfilled and satisfied during construction:

- 4.1. During construction, the Village's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
- 4.2. A copy of this Resolution and the approved Site Development Plans shall be kept on site at all times during construction.
- 4.3. Building construction shall be substantially consistent with the floor plans, specifications and elevations referenced herein.



- 4.4. All plant material shall be installed between April 1st and October 15th. Plant substitutions, if any, must be previously approved by the Village's consultants
- 4.5. The Applicant shall employ the services of a NYS Licensed Professional Engineer to supervise and inspect site work during construction. Inspection reports shall be submitted to the Code Enforcement Officer, Planning Board and Consulting Engineers.
- 4.6. Required periodic Storm Water Pollution Prevention Plan ("SWPPP") inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the approved SWPPP and all applicable governmental codes, rules, laws, regulations or orders pertaining thereto

5. Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

The following conditions and obligations shall have been fulfilled and satisfied prior to the issuance of a Temporary Certificate of Occupancy:

- 5.1. All conditions set forth in Sections 1 through 4 of this Resolution shall have been fulfilled and satisfied.
- 5.2. The Code Enforcement Officer and Village's Consulting Engineers shall conduct a final site visit to determine substantial conformance with the approved Site Development Plans. A final inspection report shall be prepared by the Village's Consulting Engineers.
- 5.3. The applicant shall pay to the Village of Victory, by certified check, cashier's check, wire transfer or other method of payment acceptable to the Village, all outstanding professional consulting, review, inspection and monitoring fees.
- 5.4. All improvements shall be completed substantially in accordance with approved plans, except as provided by conditions of approval.
- 5.5. All existing signs which do not conform with sign regulations of the Village of Victory shall (a) be modified to conform, or (b) removed and replaced with conforming signs.
- 5.6. All building spoils, such as unused lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- 5.7. An as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Village's Consulting Engineers, demonstrating substantial compliance with the approved Site Development Plans and verifying the location of all building footprints, easement areas and site improvements (including, but not limited to, related infrastructure improvements and off-site infrastructure improvements) substantially as detailed in the approved site plan, as it may be

modified in accordance with the Consulting Engineers' approval, as described herein, shall be submitted to the Code Enforcement Officer and the Consulting Engineers (four (4) copies). Any substantial deviations shall be brought to the attention of the Planning Board for review and consideration.

- 5.8. An as-built plan of the stormwater management practices and associated improvements shall be submitted and shall be certified by a NYS Professional Engineer (four (4) copies).
- 5.9. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for the building, or a Letter of Map Revision issued by the Federal Emergency Management Agency ("FEMA") shall be submitted to the Planning Board and the Village's Consulting Engineers (four (4) copies).
- 5.10. Compliance with landscaping and lighting plans as set forth in the approved site plan in the vicinity for the structure(s) for which a Certificate of Occupancy is to be issued.
- 5.11. The completion in a safe and appropriate manner to the satisfaction of the Consulting Engineers of all necessary site-work, including but not limited to, roads/circulation drives, drainage and parking as necessary to serve and access the structure(s) for which a Certificate of Occupancy is to be issued, including final verification from the Applicant's Engineer that the completed site-work was performed substantially in accordance with the approved site plan described herein as it may be modified in accordance with the Consulting Engineers' approval.
- 5.12. Final Verification from the Applicant's Architect that the building for which a Certificate of Occupancy is to be issued is substantially in accordance with the approved site plan described herein and subject to the satisfaction of the Consulting Engineers and Building Inspector.
- 5.13. Prior to issuance of the first certificate of occupancy, completion of all off-site improvements with final verification from the Applicant's Engineer that same were performed substantially in accordance with the approved drawings and approved site plan and subject to the satisfaction of the Consulting Engineers and Village Superintendent of Public Works.
- 5.14. The Applicant shall be solely responsible for the costs associated with the installation of all sidewalks as shown on the Site Plan.
- 5.15. The Applicant, or any succeeding property owner, shall execute an agreement with the Village providing that the owner of the Project will maintain all sidewalks and interior roads and parking areas to be installed as part of the Project. This Agreement shall be in form and substance satisfactory to the Superintendent of Public Works and the Village Attorney.



- 5.16. The Applicant, or any succeeding property owner, shall enter into a Stormwater Facility Maintenance Agreement with the Village to ensure proper maintenance of all stormwater facilities in perpetuity.

6. Conditions to Be Satisfied After Issuance of Certificate of Occupancy.

The following conditions and obligations shall be fulfilled and satisfied after the issuance of a permanent certificate of occupancy for the Property.

- 6.1. The owner and/or occupant of the Property shall cause the Property to be used and occupied in accordance with the provisions of the approved site plan (including the approval conditions of this Resolution).
- 6.2. The Village shall, at all times, have the right to reinspect the site if any Code Enforcement Officer has reason to believe the site is not in compliance with the approved site plan (including the approval conditions of this Resolution), either by personal observation, a report from a Village official or board member or upon the receipt of a signed, written complaint alleging that the site is not in compliance and detailing the manner in which the compliance is lacking.
- 6.3. If at any time after the issuance of a permanent certificate of occupancy, the Code Enforcement Officer finds that any site plan approval conditions have been violated, the owner and/or occupant shall be issued a notice of violation in writing (in the same manner as provided for stop work orders under the New York State Uniform Fire Prevention and Building Code) and given 30 days to either bring the site into compliance or to appear before the appropriate Board to determine mitigation and/or secure a time extension, if required. If the owner/occupant elects to appear before the appropriate Board, then the Code Enforcement Officer shall issue a revised notice of violation based on the determinations made by the Board.
- 6.4. If, after having received a notice of violation (or revised notice of violation), the owner fails to correct the violation within the time period stated therein, then the Code Enforcement Officer shall issue an appearance ticket under the provisions of Article 9 of the Zoning Law of the Village of Victory, or any law amendatory or supplemental thereto.

7. Miscellaneous Conditions:

The following conditions and obligations shall be fulfilled and satisfied as applicable:

- 7.1. Periodic review of parking adequacy on the Property by Village Staff and further construction and striping by the Owner of additional parking spaces within ninety (90) days upon determination by Village Staff of the need for additional parking per the Land-Banked Parking Agreement.

- 7.2. Required periodic Storm Water Pollution Prevention Plan (“SWPPP”) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the approved SWPPP and all applicable governmental codes, rules, laws, regulations or orders pertaining thereto.
- 7.3. Prior to any site work on the Property, and at all times during construction, Applicant shall post performance bonds, letters of credit, or other security (collectively, “Bonding”) in full force and effect, and in form satisfactory to Village Attorney and subject to acceptance by the Village Board of Trustees, to guarantee the implementation and maintenance of (a) soil erosion controls, (b) site restoration work (c) landscaping, (d) drainage (e) tree protection, (f) infrastructure improvements, including both on-site and off-site improvements as set forth in the approved plans; and (g) all other improvements to be constructed in accordance with the approved site plan. The Consulting Engineers shall assist with estimating costs of proposed improvements. Periodic bond reductions may be authorized at the Village’s discretion.
- 7.4. Applicant shall provide a maintenance bond, evergreen letter of credit, cash deposit or other surety upon completion of site improvements to cover the full cost of maintaining required improvements for a period not to exceed three (3) years, with such bond being satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution and surety.
- 7.5. Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project in accordance with the approved site plan. Snow removal from drives, parking areas and sidewalks shall be conducted reasonably and, if necessary, snow shall be taken off-site when it cannot be accommodated on-site.
- 7.6. All construction activities are to be conducted in accordance with the approved plans and protocols, including, without limitation, the General Construction Notes, General Notes, Watermain Notes, Stormwater Drainage Notes, Grading Notes and Area Notes set forth on Notes and Legend Drawing C-1.
- 7.7. All demolition activities shall be undertaken in accordance with protocols set forth in the EIMAP Agreement for this Project, approvals issued by the Village, and in compliance with all applicable requirements of local, state and federal law.
- 7.8. If blasting is necessary, a blasting protocol must be submitted to the Village for approval and such activity must comply with any and all local, state, and federal requirements regarding the use, transport and storage of explosives.
- 7.9. Applicant shall continue to provide updates to the Planning Board and the Village’s Consulting Engineers on the status of the remedial cleanup required to be performed in connection with NYS DEC Brownfield remediation site C546047 and



shall provide proof of compliance and closure of the REC remediation upon DEC's issuance of same.

- 7.10. All permits, waivers, and approvals granted herein are for the Residential Use and occupancy of the Property as described above and do not constitute authorization, permission or approval for the Ancillary Commercial Uses of the Property identified in the application, drawings and site plan which are the subject of this approval resolution, or any other commercial uses of the Property. At such time (if any) as the owner of the Property should desire to utilize the Property for commercial purposes, then the Planning Board hearings related to the permits, waivers, and approvals granted herein shall be re-opened, and the owner of the Property shall (a) return to the Planning Board with an amended site plan so that the approval herein granted (and the conditions imposed thereon) may be supplemented or modified as necessary and appropriate; and (b) apply for, and secure, such other separate local, regional, state and/or federal permits or approvals as may be required.

And be it further

**RESOLVED**, that this conditional site plan approval shall expire and become null and void if:

- (a) Condition 2.5 and 2.8 of this Resolution are not satisfied within thirty (30) days of the effective date of this Resolution;
- (b) A building permit is not applied for within six (6) months of the effective date of this Resolution;
- (c) Significant construction has not commenced within twelve (12) months of the effective date of this Resolution; or
- (d) All construction work is not completed within four (4) years of the effective date of this Resolution.

And be it further

**RESOLVED**, that upon application to the Planning Board, extensions totaling a maximum of twelve (12) months may, for good cause shown, be granted to any one or more of the time periods specified in paragraphs (a) through (c) of the immediately preceding paragraph of this Resolution, and an extensions totaling a maximum of twenty-four (24) months may, for good cause shown, be granted to the time period specified in paragraph (d) of the immediately preceding paragraph of this Resolution; and be it further

**RESOLVED**, that the record of this action shall be placed on file in the offices of the Planning Board of the Village of Victory and the Clerk of the Village of Victory and shall be disseminated to those units of government as required by law and be made available to the public for inspection; and be it further

**RESOLVED**, that this Resolution shall take effect immediately upon its adoption.


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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Corey Helwig	Voting: <u>AYE</u>
Bill Lloyd	Voting: <u>AYE</u>
Jake Fort	Voting: <u>AYE</u>
Tim Fort	Voting: <u>AYE</u>
Pete Healy	Voting: <u>AYE</u>

The foregoing resolution was thereupon declared duly adopted.

  
\_\_\_\_\_  
MAUREEN LEWSEY, Recording Secretary

## LIST OF APPROVED SITE PLAN DRAWINGS

Site Plan Map of 42 Gates Avenue, Victory Mills, New York, prepared by MJ Engineering and Land Surveying, P.C. o/b/o Regan Development, dated and initially submitted May 10, 2019, and thereafter amended and re-submitted on November 1, 2019, February 21, 2020, May 21, 2020, July 8, 2020 and August 19, 2020 (the "Site Plan"), consisting of:

<u>Sheet Name</u>	<u>Sheet No.</u>
Title Sheet	C-0
Notes and Legend	C-1
Existing Conditions	C-2
Removals Plan	C-3
Layout Plan	C-4
Grading and Drainage Plan	C-5
Spot Grading Plan	C-6
Utility Plan	C-7
Utility Profiles	C-8
Signage and Landscape Plan	C-9
Lighting Plan	C-10
Erosions Control Plan	C-11
Future South Parking Lot Plans	C-12
Easement Plan	C-13
Site Details	D-1 – D-9
Work Zone Traffic Controls	MPT 1-2

The Site Plan is to be read in conjunction with all details, notes and written specifications therein contained or referenced, together with the underlying application for site plan approval dated May 9, 2019.



## CERTIFICATION OF ACKNOWLEDGMENT AND ACCEPTANCE

The undersigned hereby jointly and severally certify to the Village of Victory and the Planning Board of the Village of Victory, their awareness, understanding, acceptance and consent to the terms and provisions of the foregoing "Resolution Approving, With Conditions, a Site Plan Application by Regan Development Corp. for the 42 Gates Avenue Mill Building Renovation Project in the Village of Victory, Saratoga County, New York, dated December 22, 2020", including the conditions and expiration provisions contained therein.

REGAN DEVELOPMENT CORP.

By: \_\_\_\_\_  
Larry Regan, President  
Dated: \_\_\_\_\_, 20\_\_

RIVERVIEW REALTY LLC

By: \_\_\_\_\_  
Uri Kaufman, Manager  
Dated: \_\_\_\_\_, 20\_\_

VICTORY MILLS LLC

By: Victory Mills Manager LLC, its  
Managing Member

By: Victory Mills Associates LLC,  
its Manager

By: \_\_\_\_\_  
Larry Regan, Authorized Signatory  
Dated: \_\_\_\_\_, 20\_\_

**VILLAGE OF VICTORY**

**CERTIFICATE OF RECORDING OFFICER**

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Village of Victory, New York (hereinafter called the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Planning Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Planning Board held on the 22<sup>nd</sup> day of December, 2020 and entitled:

**42 GATES AVENUE MILL BUILDING RENOVATION PROJECT  
SITE PLAN APPROVAL RESOLUTION  
DATED DECEMBER 22, 2020**


**A RESOLUTION APPROVING, WITH CONDITIONS, A SITE PLAN APPLICATION BY REGAN DEVELOPMENT CORP. FOR THE 42 GATES AVENUE MILL BUILDING RENOVATION PROJECT IN THE VILLAGE OF VICTORY, SARATOGA COUNTY, NEW YORK.**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Planning Board of the Village of Victory was present throughout said meeting, and a legally sufficient number of members (3/5 of the Planning Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

**IN WITNESS WHEREOF**, the undersigned has hereunto set her hand this 22<sup>nd</sup> day of December, 2020.

[SEAL]

  
\_\_\_\_\_  
MAUREEN LEWSEY, Village Clerk