

# VILLAGE OF VICTORY PLANNING BOARD MINUTES

July 21, 2020

Chairman Corey Helwig called the regular meeting to order 6:30pm and led the pledge of allegiance.

## Roll Call:

Chairman Corey Helwig, Planning Board members; Bill Lloyd, Jake Fort and Pete Healy. Planning Board member Tim Fort was absent. Also attending Acting Secretary Maureen Lewsey, Planning Board Attorney Michael Catalfimo, Planning Board Engineering/Longtin Engineering; Al Longtin and Kurt Bedore and Jamie Easton, MJ Engineering representing Regan Development.

## Announcements:

- ❖ None

## Approval of Minutes:

- ❖ Monthly Meeting – April 21, 2020 are pending
- ❖ **Monthly Meeting – May 19, 2020 for approval**
- ❖ Monthly Meeting – June 16, 2020 are pending

**Planning Board member Bill Lloyd made a motion to approve the May 19, 2020 minutes with Planning Board member Pete Healy seconded the motion. Vote: 4-0, all ayes. Motion Passed.**

## Returning Applicant:

Regan Development, Larry Regan as applicant  
Riverview Realty LLC as owner  
Proposed Development: Mill Redevelopment/186 units/Site Plan Review  
District: MUVC

## Review Final Comments from Longtin Engineering:

Chairman Helwig stated he plans to review the open items.

#2/Building #8: Chairman Helwig read the response from the comment response letter dated 7/8/20 and is considered the 5<sup>th</sup> submission on the site plans. The response outlined the revised fall zone as 1.5 times the exposed height, a protection barrier has been added to ensure the sidewalk, pump station area and parking can be used in the event of a wall collapse with no loss to parking or pump station area. The added comments address the legal property owner and that the applicant cannot legally remove or demolish the building. Helwig asked if there was any other information from Jamie Easton. He explained where his understanding of the process is and noted that realistically the project will not start conservatively until Nov/Dec and will take two years to complete. There is time to come to an agreement and the intent is to aid in demolishing the building.

Michael Catalfimo spoke to the Enel counsel and was left with the impression that they are not close to an agreement on a plan to take the building down. Catalfimo notes that the applicant commented information on financing and timeline to achieve the approval process. A short date timeline is not impossible to meet if the pace of the discussion lines up well with the developer timeline. At the last meeting, there was interest in dialogue to taking the building down in one months' time but there is not much to show including cost estimates from the

developer or Enel. If the intent is to get near in accommodating the timeline, working through the plan, has to increase rapidly.

Al Longtin offers a couple options in a solution with the fall zone area. Option one would be to demolish the building in cooperation with Enel. Option two would revise the plans and keep out of the fall zone area.

Easton hasn't seen any cost estimates and notes that it takes time to formalize the plan. It will take a while to get through the process with HCR. He commented that the planning board can make a conditional approval, perhaps before a certificate of occupancy or before construction begins.

Chairman Helwig replied that the developer did not want a conditional approval related to taking the building down.

Easton explained that HCR doesn't want the condition attached to the application. He inquired if the planning board could use creative language in the approval provided. Otherwise it would raise a concern.

Longtin realizes it is the late stages of this project, with the planning board not sure what to do. If more time more options would be available. What is the implication of missing the HCR deadline?

Easton replied that if they miss the December timeline (September application) the number of applications increase and there is a percentage of the program financing decreasing. If the project is not approved by August 15, 2020 the project may not go through.

Longtin asked about the review and HCR procedure, sure they are aware of this project and will push this forward even knowing large amount of applications.

Kurt Bedore asked if the application is banking on the finance and funding (from HCR)? Easton replied that the project is based on the HCR financing as the project is workforce housing with tax credits offering rent rates affordable.

Chairman Helwig stated that the planning board is making sure all avenues are covered. There is a question how to move forward. The planning board has made it clear that building #8 needs to come down but needs something to review. Meetings can be moved around.

Longtin added what about HCR and what about negative declaration? There has been no formal guidance received, just an email. Easton briefly discussed the ranking system on the application. For the application to get in this round (September) they would need approval August 10<sup>th</sup> – August 15, 2020. Typically, they like to have the project approved and it would probably take another six months to start after state approval. HCR is labor intensive, his job is as civil engineer for the project site plan, with many lawyers representing different aspects of the application process. It is about a three-month process before the bank loan and construction could begin.

Catalfimo asked if HCR was the only funding source? Easton replied that the DEC/Brownfield Cleanup Program is providing Brownfield credits but most of the funding is through the HCR program. Longtin asked if there was any funding through the historic credits? Easton replied it was filed January 2010, and this was prior to Regan Development involvement, Uri (Kaufman) was working on the project then.

Catalfimo wanted to go back to the timeline and look at the date of the original deadline of August 15<sup>th</sup>. This is a Saturday and so if a public hearing was on August 13<sup>th</sup>, then factor in the ten-day notice that would be August 3<sup>rd</sup>. The deadline of the SEQR response is August 4<sup>th</sup>. He notes that to take the next step what project or alternative project will be presented? A special meeting could be conducted anywhere from August 4<sup>th</sup>-August 13<sup>th</sup>. But added there is lots of work to consider especially with the environmental considerations.

Longtin outlined looking at parallel options; taking building #8 down and what alternative is there? The village has an obligation to protect the health and safety of the site. He added that the fall zone needs to be identified on the site plan map. Easton replied that it was taken off in error. Longtin added that they need to develop a solution including reconfiguring of space by establishing the fall zone protection zone. Installing barriers to protect the parking area, pump station and dumpster area. Easton agreed to that and will provide a plan. He also added that Larry Regan's intent and goal is to take down building #8. The project will take 2 years and should be completed 2023 by the time a certificate of occupancy is requested. He would like to discuss concerns and added they can all be conditions. Longtin added that he would like time constraints on those conditions. Easton again noted that Regan would like to take down the building before construction by working with the Mayor and Enel on the responsibility. Bedore stated that the concern is the public safety during construction, there is a hazard. He would want to meet on that goal but just not there yet. They are moving toward getting that timeline and on the same track.

Catalfimo added maybe some has been done but he doesn't know the full nature with Enel. He added to try to identify concerns and respond to them and provide to the planning board. He has concerns of trying to address last minute issues at the public hearing.

Longtin mentions his concerns about construction vibrations being an issue or creating a partial collapse and mentioned whether a demolition study to mitigate potential risk should be requested. The goal is safety and to encircle the entire building and to consider options to secure: example jersey barriers. Easton replied he will review the item again. Longtin notes that he would prefer a chain link option vs any "barrier" and using a twelve-foot fence vs. a six-foot fence. There are ideas and possibilities of mitigating options and would entertain what else he would offer. Questioned whether there will be security cameras to monitor the site. Longtin asked Village CEO Larry Wolcott if he had anything to add. He commented that in his opinion he did not see the project coming to completion without building #8 down. That it could be down anytime. He won't issue a certificate of occupancy until the building is down. He has the final say and it would be a condition. He also spoke as a village resident and would like to see the project done. Longtin and Wolcott discussed options available but supported making the condition safe for the project and construction. No actual cost was provided but apparently there were two proposals and they were not close.

Bedore asked what the objection is, to having a condition (such as building #8) with HCR? Easton replied that it would not allow the application to be processed and that he supported creative language to be part of the approval. Bedore inquired about what if there was a condition of a building permit approval? He felt that would be acceptable. Larry Regan will take the building down as Easton was told by Regan.

Catalfimo offered that conceptually, by stepping forward, as far as he is concerned, he would have expected progress. There has been no urgency to the conversation. They have been talking about the project in two different directions but not with Consolidated Hydro. Easton replied there has been miscommunication. But Catalfimo stated there has been time to make a deal, as they are experienced businesspeople and yet they do not have anything. Longtin asked if there is a letter of intent? Catalfimo replied you can have intent, but the building

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is not on Regan's property. There has to be a partnership but hearing from Enel would be best. Easton commented that the Mayor has to do something before he completes an action, but he doesn't know what that is.

Catalfimo replied that one; he can't believe he doesn't know what is going on and two the village doesn't have ability or willingness to demand action on someone else's property. He then discussed with Easton condemnation process and stating if property A and B are going to pay no one needs condemnation. Easton stated he needs condemnation in order to be able to remove (the building). Catalfimo briefly discussed his conversation with the judge and the status of moving forward and what has taken place between the Hydro and Regan. He was led to believe there was an agreement between them but has no information. He is expressed time is of the essence.

Two representatives from Consolidated Hydro (aka Central Powers) were present. Both Terry Ramsdill and Jason Bush attended the meeting as they are just becoming aware of the complexity. Stuart Kline is the attorney that has been talking to Regan Development. The transfer was around the end of January 2020, but they are not aware of the building's condition and that the building is owned by someone else other than Hydro. Catalfimo expressed time is of the essence and that he has been led to believe some agreement is being worked on between Regan and Central Powers, but he has no information. To say that the project is on pace for the beginning of the year, there is a disconnect there. Longtin showed the representatives the site plan map outlining the project and building #8. They are both willing to work on addressing this and not hold up the project but are playing catch up since they were not aware of this building and its need to come down. Longtin stated the concern is it is a four-story building and likely has asbestos. The Hydro has an abatement survey. Easton added that PVE (firm hired by Regan on the BCP grant) has done a visual inspection. They discussed the age of the building as 1850 before asbestos, for window trim, caulk and shingles. No determination has been made as its not safe to go in so will have to treat the entire building as if it contains asbestos. They were taken from the ground level only.

Mr. Ramsdell from Hydro inquired about the soil boring tests. There seems to be a lot of them. Easton replied that PVE have been on the property the last two to three months, but the borings were done on the mill site only. Bedore offered that as part of the record in Phase I, EAF, there are record of spills and that result leads to testing. Any documentation DEC would require investigation and there could be a historic chain of records.

The Hydro representatives said it would be a tough timeline to resolve in say thirty-sixty or ninety days. Will reach out and talk to the safety group next week and then reach out to Larry Regan. Will discuss the procedure to protect the equipment in the ground.

Helwig again stated that the goal is to take the building down and to protect the assets. There was a discussion about the depth below ground with the Hydro's biggest concern is to protect the penstocks. Longtin notes from a legal standpoint there are still some hurdles such as the cost of the impact, the discussion of cost sharing and other loose ends. More discussion was held about a contingent approval and the aspect of tying it into a building permit but then it doesn't work for the HCR application. Hydro will have to notify FERQ.

Helwig puts a close to this part of the discussion on building #8; one with the building coming down with a conditional permit or two if not what are the next options. Longtin questioned who takes the lead on this; Hydro is better to protecting the asset and Regan and the right to enter the property. Jason Bush, Hydro, wants to work together on this issue.

Easton stated that no demolition contractor has been selected. Longtin questioned if there was a demo survey since they may be looking for that. Easton replied that would not be attainable in two weeks with Longtin replying

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that it could be a condition. And to finalize, Helwig agrees with the demolition plan but there is an ongoing issue with safety. Longtin noted that a chain link fence or to re-evaluate this at a different time.

Item #4: Questioned whether they heard from DOT on the second driveway (being accepted)? The entrance only was approved. Bedore notes that he is not comfortable with the one entrance.

Item #7: Waiting to hear from interested agencies related to the SEQR application.

Item# 8: conditionally closed-waiting for DEC and DOH permits

Item #9: conditionally closed

Item# 10: conditionally closed-waiting for DOT comments

Item# 11: conditionally closed -fall under building permit not site plan review

Item# 13: Sign location/ok with it. Now Closed.

Item# 14: Lights: additional street has been added to south parking lot. Will be under building permit review.

Item# 16: Phasing parking lot: this item is pending as it pertains to building #8.

Item# 18: Funding-No additional escrow for EMS. Additional funding from Regan Development supports installation of booster pumps in the Village of Victory. An offer of \$60,000.00 for this cost allows improvements in thirty residences. A list will be provided for the village board to review and implement.

Item# 19: Extended Sidewalk to and around the corner of Bridge St. Additional discussion ongoing between applicant and village board. Now closed with the planning board.

Item# 24: Closed but the applicant will provide updates.

Item# 25: MJ to submit final survey document with signed and sealed by licensed surveyor.

Item# 28: Waiting for DOH and DEC – conditionally approval.

Item# 30: Pending DOT approval. Item is still open. Cc: Longtin and Bedore

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#### Sheet Page Review

#3/Sheet C-2: Chairman Helwig is ok with it. Longtin did request the connector sidewalk to the south end of the north entrance. Need sidewalk connector to the south east end of the building.

#5 Sheet C-4: additional sidewalk non-ADA compliant is acceptable. Comment on note (h) south end of the parking lot only to be banked.

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#10 Sheet C-9: Landscape/Historic Victory Mill and Lake to Locks signs to be included.

#11 Sheet C-10: Planning Board agrees with lighting design but will fall under building code to provide.

#14 Sheet C-13: Future north parking lot has been removed and has been incorporated into the proposed layout.

Helwig asked if there was anything more to add by Longtin and Bedore. Or by Jamie Easton. All responded no/nothing more to add. Easton will provide more on the fall zone next week. Catalfimo inquired who he contacts for legal representation for Regan Development? He **hasn't** talked to anyone regarding conversations regarding building #8/Hydro. Easton will have Larry Regan talk directly/Catalfimo to email Easton. Items to cover moving forward; concept to plan and need conditions outlined.

New Applications:

❖ None

Old Business:

❖ None

New Business:

❖ None

Other Business:

❖ None

Next Meeting:

The August meeting will be rescheduled to Thursday, August 13, 2020. A public hearing will take begin at 6:00pm with the regular meeting to follow. Concerns of meeting space with a restrictive area meeting the six-foot social distancing is a concern for the Victory meeting room. To accommodate the Planning Board and necessary attendees this will largely reduce the number of in person attendance. A larger space, Town Hall meeting room, will be checked into.

Michael Catalfimo discussed the Open Meetings Law and recent executive orders outlining restriction or measures in place to hold a public hearing. The format of the meeting and the location to be determined.

Al Longtin distributed Part 2/Part 3 of the SEQR application for the planning board to review prior to next meeting.

ADJOURNMENT:

**Planning Board member Bill Lloyd made a motion to adjourn the meeting with Planning Board member Jake Fort seconded the motion. Vote: 4-0, all ayes. Motion Passed. Meeting Adjourned.**

Respectfully Submitted,

*Maureen Lewsey*

Acting Planning Board Secretary