

VILLAGE OF VICTORY ZONING BOARD OF APPEALS

MEETING MINUTES

April 20, 2023

CALL REGULAR MEETING TO ORDER

Chairperson Jaime O'Neill called the meeting to order.

ROLL CALL

Chairperson Jaime O'Neill, Board members Heather Freebern and Alternate Michele Marshall were present. Board member Terrie Wolcott was absent. Also present ZBA Secretary Maureen Lewsey.

ANNOUNCEMENTS

No announcements this month.

APPROVAL OF MINUTES

AUGUST 19, 2019 ~ Public Hearings and Regular Monthly Meeting

Board member Michele Marshall made a motion to approve the minutes from the August 19, 2019 meeting as presented with Chairperson Jaime O'Neill seconded the motion.

Vote: 3-0, all ayes. Motion passed.

OCTOBER 18, 2022 ~ Public Hearing and Regular Monthly Meeting

The adoption of these minutes is TABLED due to no quorum present from that meeting at this meeting.

RETURNING APPLICANT

❖ None

NEW APPLICATION

❖ Case # 2023-01

Applicant: James M. Sullivan

11 Pearl Street

Variance Request: Side Yard Setback Variance

District: SF-2

S/B/L: 157.71-4-24

Chairperson O'Neill asked if the applicant Jim Sullivan wanted to give an overview of his request for the side set back variance. He was referred to the ZBA by the CEO for failing to meet the south side setback for the construction of a new garage. He presented photos and noted he had his lot surveyed. The existing garage 20x20 will be removed and the new construction 21x26 will be in the same location on the lot. He discussed the current deck on the rear of the residence and noted the state allows for a 3' separation between structures. The village zoning law requires a 10' side setback for accessory structures, the reason for the appeal is that he is requesting a 9' side setback variance. Sullivan stated the village has small lots and 10' is not practical. The garage was put in forty-two years ago, and the current eave is slightly over the property line but is changing it with the new construction and he will be collecting rainwater. He has talked to his neighbor on the south side and he has no problem with it.

Board member Marshall asked about the white fence along the garage. She searched the property on the county website to get a look at the request. It was confirmed the fence is on the north side and perhaps a section will be removed but was not definite.

Chairperson O'Neill asked if we had received a copy of the referral from the CEO and did it have any notation on it as to the basis of denial. Secretary Lewsey was only aware that it did not meet the zoning law for setback but no other detail on the garage.

Sullivan added that the garage is a two-story structure with a loft for storage and is not heating it. He is aware the village zoning law does not permit living space above a garage.

Chairperson O'Neill said she was glad to see he is collecting the rainwater in his plan. Sullivan also notes that he talked to someone at the State and he can have a structure within that distance if he follows the fire separation code section SR302 for exterior code. O'Neill added that it should be fire rated but is the CEO per view.

Chairperson O'Neill wanted to go on record noting she is concerned about the rainwater and gutters should be placed on the structure so not to drain on the neighbor's property, the eaves off the garage cannot hang over greater than 4" in to the setback and the wall on the south side has to be built with 1 hour rated fire wall as per the fire code and cannot have windows or door due to the closeness to the lot line.

O'Neill asked if there were any questions by the Zoning Board. Having none, the public hearing date was reviewed and will be scheduled for May 17, 2023 at 6:30pm.

Review the date of the Saratoga County Planning Board meeting: All referrals need to be there by the first Thursday or May 4, 2023. Their meeting is the third Thursday of the month, but the village has an MOU and action could be back to the village prior to May 17, 2023. Secretary Lewsey to contact the county about the referral process and timeline.

Also, Chairperson O'Neill added to forward a copy of the legal notification to the Village of Schuylerville as the adjoining municipality.

OLD BUSINESS: None

NEW BUSINESS: None

NEXT MEETING

The next meeting has been scheduled for May 17, 2023 at 6:30pm.
The public hearing will begin at 6:30pm and the monthly meeting will follow.

ADJOURNMENT

Board member Heather Freebern made a motion to adjourn the meeting with Board member Michele Marshall seconded the motion. Vote: 3-0, all ayes. Meeting adjourned.

Respectfully submitted,

Maureen Lewsey

ZBA Secretary