

**Minutes for the Ticonderoga Zoning Board of Appeals held on October 9, 2018 in
the Community Building commencing at 7:00 p.m. regarding an Application for an
appeal for Zoning Interpretation.**

Present: Eric Stoddard, Erik Leerkes, Andy Belkevich, Joyce Barry, Doug McTyier, Matt Fuller-Town Attorney, Bill Ball-Town Zoning Officer, Tonya Thompson, Amy Schryer.

Others: Gary Knight, Patty Reid, Joe and Alice Vilardo, Bill Grinnell, Liz Lastowski, Chet Lastowski, Mike Vilardo, Shelly Russell, Corey Phinney, Farrelly and Val Ezzo.

Pledge of Allegiance was given by all

Mr. Stoddard called the meeting to order at 7:01 p.m.

Public Hearing Announcement:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Ticonderoga will hold a Public Hearing and meeting on October 9, 2018 commencing at 7:00 p.m. at the Ticonderoga Community Building's Conference Room, located in the Basement at 132 Montcalm Street, Ticonderoga, NY, regarding an Application for an Appeal for Zoning Interpretation submitted by Elizabeth Lastowski concerning a property located at 64 Mount Hope Ave, property owned by St. Josephs Rehabilitation, tax map number 150-35-5-36.000. All parties interested may be heard at such time.

Mailings went out to all interested parties with no response.

Mr. Stoddard asked if any of the Board had any questions for Ms. Lastowski.

Ms. Lastowski stated that she sees that the board has a copy of the email and asked if this is the first time they are all seeing it or does she need to get them all up to speed on what is going on.

Mr. Stoddard stated that they all received a copy.

Ms. Lastowski asked if she was suppose to read her appeal or summarize it, Mr. Stoddard told her that she could summarize it:

-herself and her neighbors that signed off on the appeal feel that this shelter far over reaches a traditional tenant/landlord situation and that it is a wholly commercial enterprise

-the people that will be dwelling here are all clients of St. Josephs and there are a number of concerns about how this changes the make up of our neighborhood from that tax paying landlord with self paying tenant and with some tenants were getting so me kind of subsidized from the state or social services, but now this is putting in a treatment

facility that is going to be wholly stigmatized that every adult person who lives in this facility is a drug addict.

-very concerned as to how this changes the base of our neighborhood, how this will bring unwanted crime and other issue into our area

-at one time it was the ability for anyone to rent there which it could be family units, good examples of mother/father parenting children.

-now there will only be singles and their children and they will not have the opportunity to have a two parent family across the street, which is very disturbing and not part of the make up of our single family neighborhood.

-we think that there has been some special privileges afforded to this facility by the town, they were never meant to post a work permit , still don't even know if they had a building permit, not provided with a date of issuance of the building permit

-concerned that the town potentially assisted in bringing in the this facility under the radar without asking the citizens, neighbors how they felt about it.

-generally non-profits like to survey to guarder community support, none of that has happened.

-St. Josephs doesn't have any stake holders, they are primarily funded by public funding so they are beholding to the neighborhood and are basically opening a facility to put their people in one place so that their people don't have to go around in their business and ,they can do it in once specific place, and they will just be collecting rent, turning the crank of collecting money and there is no best interest for them what so ever in evicting anyone for any infractions that may happen during their stay there.

-was admitted to us at the safety committee meeting that although it should only be single woman and their children, there is a completely open and lenient guest policy meaning that they could have live in boyfriends staying for extended periods of time and this was not something that St. Josephs was concerned about.

-So to wrap things up we find because of the contingencies put on these tenants, that there is no way this is a traditional tenant/landlord situation. If this building had been sold to another landlord and had been flipped and the apartments would had been refurbished and then 4 new sets of families had moved in, maybe they would be self paying people and be employed people, maybe they would be people who have a history of were getting some kind of assistance, but that is not for us to know, so now the anonymity of all these woman who are moving in across the street is completely shattered because it is just known that it is a drug house, so went from quiet apartment building in a beautiful neighborhood of single family homes, to something that we don't endorse.

-we do respect St. Josephs attempts to rehabilitate people, but do not appreciate a facility being under the radar into our neighborhood, beginning construction, never displaying a work permit, don't even know how they found out this was happening. Seems there has been complacency by the town to just allow this to move in, that there is a done deal and there isn't anything that can be done about it. That the tax paying citizens around this now non-tax paying property don't have any say in what is coming in.

Mr. Stoddard asked if any one else would like to speak.

Mrs. Young stated on September 9, 2018 at the town safety meeting, that the police were present and voiced their concerns about this being in their neighborhood as well. What will it bring in besides people just living there, can't control who comes and goes. Very concerned about that with the other kids in the neighborhood. These people could have criminal records and we don't know that and where they come from. They could come from anywhere in New York State and we won't know.

Ms. Lastowski stated that the nuisance laws aren't strict enough to prohibit activity from happening over and over again. The police essentially agree with that as well. You can have 3 convictions for prostitution before you can even be up for eviction, She doesn't find that to be reasonable. Ms. Lastowski feels that if we look at history other types facilities where other single woman with history of addiction are living, that prostitution is a real problem that we may face in the future.

Mr. J. Vilardo stated the major reason they are all here is the ZBA , their job is to fix things that are broken in the zoning law. Strictly speaking this is multiple dwellings, but it is really an extension of the treatment facility of St. Joseph's, only their people go there, and they are supposedly monitored, that's not an apartment, that is way beyond that.

This is a neighborhood with 3 or 4 generations that have grown up there. You have Vilardo's and the Grinnell's that have been there over a hundred years.

This and everyone knows this is going to be a drug house, we know there is going to be boyfriends, we know there is going to be crime and the police are concerned about the crime that is going to take place. It is going to greatly change the character of this neighborhood which is 99 percent single family dwellings.

If this can happen in our neighborhood, it can happen in any other neighborhood in town, so he wants this to all be considered as well.

Mrs. Vilardo taking St. Joseph's as a clinic, they have been in Ticonderoga for along time, they had the Pavilion at the hospital, kind of like recovery/rehab home, that failed because of miss management.

They have Elizabethtown, Keeseville, and Ticonderoga, and Saranac Lake, she was told because of poor management, a supervisor walked off the job with in a couple months ago. 2 people, one not experienced is running the Ticonderoga, Elizabethtown and Westport, and the other is running the Saranac Lake facility. They are all burnt out and they don't have enough staff, the money that St. Joseph's collects is from Welfare, third party and she asked a few people that family goes to St. Joseph's , because you know we

have a lot of drugs in this neighborhood, we don't need more because they are going to be shipping these people in all over Essex County , been told that some will be from Albany, they will be a whole different group of people brought into the town.

People that use St. Joseph's say it's a money making deal. You walk in, get questioned, pay co-pay and then get put out on the street.

I said to Rob Ross, look at all the people on the streets that are arrested. They are forced to go to St. Joseph's , not on their own, but by the courts. On the streets, get arrested, go to St. Joseph's, on the street, get arrested, go to St. Joseph's, it's a cycle.

We don't need anymore of these people being brought into this area and was told by people that people that are employed by them, that they are putting another facility in Ticonderoga, another 4 bedroom apartment and she hates to say it but there is one down the street from us that looks like a dive and I have no doubt that if it was for sale , that would be even closer to us.

There will be case worker once a month will go into their home, if this isn't a business then why is there a case worker going into their homes. I wouldn't want a case worker coming into my home. So that is a business.

Mr. Grinnell stated some of you folks know who I am.

-I own property in the area.

-It's zoned as any residential zone

-dense residential zone in the town.

-It is a business, it runs as a business. They offer services, healthcare, and other things in a hospice kind of situation.

-How can you call that a residence, think about what your residence is. Is your residence up for barter, a medical facility, is it some sort of healthcare entity.

-No, that's a service business, no place in a residential area.

-some one made a determination that this was allowable on a permit position.

-I ask the board to petition the Town to buy a dictionary for the Code Enforcement Office so they can look up and see what commercial residential service business is, obviously they haven't a clue or they wouldn't be trying to put this in this area.

-going to loose tax space and continue to loose tax space until someone starts to enforce the laws that we have.

-It's up to you, it's your job to stop this. It is occurring all over the town.

-Needs to come to an end

-There are laws in place.

-Mr. Fuller and I worked like hell to get them adopted and passed so that code enforcement could start to regulate the buildings and use and so on that goes on in Ticonderoga, its out of control with the opioid people.

-has family that lives in this area, grandchildren that live in this area, I don't want to see that turn into a rehab center, that's not what it's been and not what I want to see it become.

-hopefully you folks are going to pick up the zoning rules and regulations that we have and see to it that they are enforced the way it ought to be.

-helped to write the ordinances with Tim Gibson and Marion Johnson

-was the 1st Code Enforcement Officer in the town

-served on the Planning Board, this board, served several years on this board as chairman

-it's a big responsibility, but it's yours

-you are the people that have to protect Ticonderoga
-hope you do your job

Mr. Stoddard asked if anyone else that would like to speak.

Mr. J. Vilardo asked to speak again, and said that if this was strictly an apartment building, why were all of the existing tenants forced to move after the sale. That is what happened.

One tenant they couldn't make leave because she gets assistance, but the other 3 were forced to move after sale of this apartment building.

How many people buy an apartment building and force the tenants to move unless its part of the business plan that they need these apartments for the people who are being treated by their business.

Mrs. Ezzo and her husband live right next door, they share a driveway and small yard that separate these properties.

-as her brother pointed out there is 4 great families that live there

-didn't have halfway houses , and her husband can vogue for me, all for woman getting help, and having a nice place to live but it has also been proven in this town the next thing you know they are calling the ex-husbands, boyfriends and then you have a problem.

-that is why the other houses in Ti have failed.

-discussed the legality, but think about the safety of the neighborhood

-lived in this neighborhood my whole life, across the street from the house I own now.

-never felt insecure, this makes us feel insecure.

-don't want to be told to buy security cameras or wait until 2 or 3 incidents happen before calling the police and then something might get done. Don't want to hear that

-take into consideration, we all grew up in this neighborhood

-want to feel secure in our homes and take that into consideration as opposed to a big business or whatever it is under the radar without even discussing as to how we all felt about this.

Mrs. Young stated it even has a name, Joseph's Manor. Are they going to put a sign out saying Joseph's Manor? It's obviously a business not just an apartment house. It has a name.

Mrs. Reid is new to Ticonderoga, only been here 4 years.

-worked in Albany, and law enforcement for 28 years and dealt with drug dealers

-moved here to get away from that, it's in every town, but don't want it next door.

-finding out all these things that has happened is really upset and making me think maybe I made the wrong choice, if your not going to enforce these laws, zoning codes, not a good representation of what the town could be.

-Drugs don't go away, they only increase the crime and that is 28 years of working with that.

It is pretty scary about what you are going to put us through.

Mrs. Vilardo spoke again and stated that at the Safety Meeting, Mr. Ross said he would work with us and get us all kinds of information. He would give us contracts, what services they provide. Mental health issues, get help on Amherst Avenue, but since then, it's a day hab now so you can't get help at any time.

Mr. Ross didn't get Ms. Lastowski any information either.

Ms. Lastowski stated she has emailed Mr. Ross and not heard back from him after he promised information.

Mrs. Vilardo wanted to know what they are getting for services in Ti. We all know the taxi situation. They were shipping people to Plattsburg, to Albany or wherever and when they came back they brought drugs with them. This is what we are looking at, we need to stop it here, so that they know the next time, they have to go through the town and follow the right steps. I went to Mr. Giordano multiple times, never asked me to make an appointment with him, never said let's make time to speak, never wanted to speak to me, he was out the front door, "I have to go babysit, I don't know anything about it", that was our Supervisor dealing with a tax payer.

Mrs. Vilardo is also worried about her house being devalued, and stated that nobody will want to live in this neighborhood if these people move in. The tax payers need to be heard over our Supervisor, over a business.

Mr. Knight stated that he lives a couple houses up the road from St. Joseph's. Only hears from these people when there is a meeting, and I am not trying to belittle anyone, but he doesn't have a lot of information, and he came tonight to get the information. This is the 2nd meeting I have attended and have not heard anything from the board. He would like to ask the board, "Are you all aware of this situation", why we are here, why we are being represented as a neighborhood. That is his first question, "is there a yes or a no." Has this been discussed amongst the board.

Mr. Leerkes stated that it is a public discussion, we don't discuss this outside the meeting.

Mr. Knight has not been able to find out how this has stayed a residential dwelling with what is going on. That is what he wants to know, and if you can make him understand how this can happen, how this does happen, I'd be very interested to know. It seems that all these folks are or have asked the question how this got beyond a residential, and maybe they know and I don't and I'd like to know, can someone please tell me.

Mr. Leerkes stated that we are here to hear your appeal, the board didn't make any decisions, so you are asking the wrong people. We are here to hear the appeal.

Mrs. Young asked if the board could over turn what has happened, and Mr. Leerkes stated that we are here to hear the appeal.

Mr. Knight asked if they know the decision that was made to make it a residential. Is this correct?

Mr. Leerkes stated, we have the letter that declared it a residential, it says it is in use.

Mr. Knight said he signed a sheet the last time we were here , and I got the letter for today's meeting, but I did not receive a letter saying that it was declared a residential.

Mrs. Vilardo stated that she forgot to show Mr. Knight the letter. Some discussion was inaudible and Mr. Stoddard asked for them to get back on topic.

Mr. Grinnell asked if he could address the question that Mr. Knight asked, for someone that is fairly experienced with the zoning process. St. Joseph's should have and I don't know if they did, but they should have presented an application for a change of use permit or something similar to the code enforcement. The code enforcement would of reviewed that and made a determination if it was within the scope of the zoning of Ticonderoga. Personally and mostly everyone sitting here has a major difference of opinion with that determination in what is classified as residential or what is classified as commercial service business and it is pretty obvious that St. Joseph's, I'll grant you they are non-profit but they are a service business commercial unit, they should not be in a residential area. That determination that was made is the issue that we are looking at right now. To Mr. Grinnell it is ludicrous that we can't buy a dictionary for the code enforcement office.

Mr. Leerkes states again that you don't need to insult the code enforcement officer.

Mr. Grinnell says he is not insulting him, he is stating a fact.

Mr. J. Vilardo states he was on the planning board for 12 years and he can't believe that the law originally written anticipated this type of facility. An example is if Moses Ludington bought this house across the street and put hospital beds in it, it would still be part of the treatment, so St. Joseph's buys it, it is still part of their treatment, a commercial enterprise, and quite frankly I hope this isn't a bad omen, but find it funny that nobody from St. Joseph's is here tonight. That's all that we are asking you to say, that they are an extension of a business and that would be St. Joe's in a nut shell.

Mr. Grinnell stated he wanted to make something perfectly clear, he is not here to attack Mr. Ball, I will attack his decision. The boards job is to conceal the decision that he made with what is written in the zoning ordinance. Read the zoning ordinance and I mean really read it, it tells you what a service, what a business, what a commercial area and a residential area is. We are asking you to stand up for us and enforce this, please.

Mrs. Vilardo wanted to address the question on how this letter came about. At the safety meeting, she felt Mr. Ball was being pressured by some of the people that were on the board, plus by the staff, they wanted an answer about zoning, because Rob Ross agreed to go in front of the planning board and Mr. Ball said he wasn't doing anything , he had to

contact the lawyer. The next day apparently Mr. Ball walked and hand delivered a letter to my husband that was "CC'd" to me, which I never received it until my husband handed it to me, to say he made a decision that this was a residential area. She feels that he was put in a position where he was upset and that is where the decision came from. I never got a copy of the letter until Joe handed it to me. Mr. Knight, this is where the decision came from.

Mr. Vilardo wanted to add that based on information that Mr. Ball had, he made the ruling. Our differences with Mr. Ball is not the interpretation of the zoning but the interpretation of the use. Another words, it's not a multiple residence , it's an extension of the business so therefore not allowed in our neighborhood.

Mr. Grinnell wanted to know if at the end, would they get a copy of the five questions that make their determination?

Mr. Stoddard stated that this doesn't even need the five points because it's an appeal.

Mrs. Vilardo asked for it to be explained what the appeal is then.

Mr. Stoddard stated that after your questions, they have to make a decision to agree with the people or to agree with Mr. Ball's decision.

Mr. Grinnell asked how or what is your determination based on as far as our testimony vs. Mr. Balls?

Mr. Stoddard stated that you have to prove that Mr. Ball wasn't right with his determination.

Mr. Grinnell stated again should we submit a copy of Webster Dictionary.

Mr. Leerkes stated again that there is no need to be insulting.

Mr. Grinnell said , "I'm serious, I'm serious. Look up my words".

Mrs. Vilardo asked if they could ask why Mr. Ball made his decision.

Mr. Stoddard asked Mr. Ball to explain why he made his determination.

Mr. Ball stated a high density residential area permitted principle use:

- 1 or 2 family dwelling
- public parks
- play grounds
- churches
- single places of worship
- public schools
- essential public services

- town houses
- garden apartments
- multiple dwellings

As far as building codes and for what I can read in the zoning, that is what this is. There are 4 apartments and the people will be living as a family. Doesn't have to be related to live as a family in New York State. As long as they are sharing bathrooms, kitchens, etc. If anybody's to blame for this it is the Board. I can't change the rules. Mr. Ball stated that Mr. Grinnell screwed up a lot of things, so don't start attacking me in a public meeting.

Mr. Stoddard said, " let's not attack anyone, we don't have to do that".

Mr. Grinnell asked to speak and Mr. Stoddard asked if he was going to be civil and Mr. Grinnell replied "yes".

Mr. Grinnell asked if he can rent one of these apartments, Mrs. Ezzo asked if her daughter with children can rent one. Mr. Grinnell said "Can Vilardo's, Mr. Phinney, rent them.

Mrs. Vilardo said she can answer that. Rob Ross stood there and said no. Neither can the ARC said Mr. Ball, but you allow them. They have convicted sex offenders and it's ok as long as its not up next to you.

Mrs. Vilardo stated that ARC has 24 hour coverage. This facility will have no coverage. They were asked if they would have someone live there and supervise it for 24 hours and they said NO. Rob Ross and Brendan Titus, Mr. J. Vilardo asked them specifically can we live there , can I rent there , and they said No, you have to be a victim or client of St. Joe's. That right there tells you it's a business.

Mr. Grinnell said if you put a property up for rent for residential property whether it be apartments, or house, you have to rent to anyone that comes along that has the means to pay the bills. You have to. Social Services makes you do that. This is a business. They only rent to their clients.

Mr. McTyier asked if one of the things is an essential public services. When you said there would be no supervision there that almost leans toward residential, wasn't that the whole point, that they have their facility which is commercial, and people would be living there which is the way Mr. McTyier interpreted it.

Mrs. Young said No there will be 30 hours of supervision.

Mr. Ball said that a multi family apartment building is a commercial building according to fire code.

Mrs. Vilardo said according to Rob Ross, he is the CEO, said they will get 30 hours of services, supervised, which means they can go to doctors, dentists, mental health. They

said if they needed mental health they could go to Amherst Avenue. No they can't, will have to be shipped out of Ti now because Amherst is a scheduled day hab only. They will have a case worker coming in once a month, does this sound like a private home. They won't be able to control the men that they bring to this apartment. With these people will come an influx of drugs addicts from out and around the community because they can't stop them because it is their home. They want to give them a job, where in Ticonderoga are they going to get a job. Mrs. Vilardo suggested they buy TiPi, and they could put 4 apartments in there plus the restaurant , and let the woman run the restaurant. This would teach these woman how to run a business and its right up the street from St. Joseph's and they would be able to keep an eye on them. Why are they upsetting a nice neighborhood. Like I said it is devaluing our property. The ones that are paying taxes and that's something am going to ask about if they come into the neighborhood, about having our taxes lowered.

I know that you are not where I would go for that but that is my next step if they move in. It is a business and they are not out for the neighbors. Mrs. Vilardo was asked today if a tree outside the house was cut down. She said yes it was and then was asked what did they do with the wood, did they sell it. She said they were told by people from St. Joseph's that they gave the wood to the Vilardo's. Mr. M. Vilardo is a Vilardo, he didn't get any wood, I'm a Vilardo, we didn't get any wood, Mrs. Ezzo chimed in that she didn't get any wood, so they are making it out that they are being nice to the neighborhood..

Mr. J. Vilardo asked "Mr. Chairman what is the process after you are finished hearing from us.

Mr. Stoddard answered by saying the Board will have a discussion and agree that the application is complete and then close the public hearing. Then we will have a finding offacts decision and decide on whether to deny or accept.

Mr. Vilardo wanted to know if it would be announced to the public or in executive session.

Mr. Stoddard said it would be right here.

Mr. Vilardo said again he would like to iterate, I don't believe that it is an essential service, it is not like a police station or a fire house or something like that. There were people living in this apartment that were forced out because only people affiliated with St. Joseph's can live here, and I think any thinking person would see that as an extension of health services business, to be classified as such.

Mrs. Young wants to speak for the neighborhood, the town , I lived there my whole life, I bought my parents house there, it is just not an appropriate place to have someone like that. People need help, and I understand that, but to put it in the middle of a residential area, is just not appropriate in my opinion. There was properties that were available within Ticonderoga that would have been more appropriate, just her opinion.

Mr. Leerkes asked Mr. Fuller that he had questions regarding the use for the owner and they are not being represented.

Mr. Fuller said, "You have subpoena power", and he also stated that "St. Joseph's is not obligated to be here , was it a good idea, yes it would have been."

Mr. Stoddard asked if they responded at all and Ms. Schryer said no.

Mr. Fuller said they were obligated to respond.

Mr. Leerkes feels for these people, they have brought up a lot of things that isn't under the boards scope . Their scope is zoning, is this a residential, whether or not it is owned by a business doesn't mean it is not a residential place. A business can own an apartment. Are they getting services there?

Mr. Grinnell said, "Yes", and Mr. Leerkes said, "You can't answer that Mr. Grinnell." I know you can give your opinion, they aren't here to answer." This is my question to Mr. Fuller.

Mr. Fuller said, "Your action would be to table the application tonight and request action with the response from the property owner." They have the burden of proof . If you have questions, if you need testimony, we can contact them.

Ms. Lastowski spoke up and stated, "They are receiving services because not one person there is paying one dime of rent, not one person living in that building will have to open their wallets to one dime, so it is fully serviced.

Mr. Leerkes said none of this has to do with zoning. The question here is, Is this a residence or a business? Whether I agree with this or not, it's out of my scope. My scope is, you are the burden of proof. My question for them is if they are receiving services. That will be a big difference to me.

Mr. Knight asked if there was meeting minutes taken at the initial meeting .

Mr. Fuller stated this is the first time that this board has met for the appeal.

Mr. Knight corrected himself and said at the safety meeting, were there minutes taken.

Mrs. Young, said Mr. Ross did state at that meeting that the tenants would receive 30 hours of supervision.

Mr. Leerkes asked if this meant going out for services or having them come for there.

Mrs. Young said they would come in.

Mr. Fuller stated, "You need to understand ZBA is a quasi judicial board, it's almost like a court, they are only allowed to rule on information that is in front of them." So they have the zoning law and they have that because the Town Board has adopted it, and from what I can see is just these papers. The board isn't allowed to go out and independently research, try to pull minutes from meeting , the board doesn't have the ability to do that. They can only rule on what you have submitted.

Mrs. Young stated, "then it would be in our best interest to table it until we got the information."

Mr. Fuller said they can ask for it to be tabled.

Mr. Leerkes said he would move that they table it for a response.

Mr. Fuller said , "I would let them consider it, what they wanted to do."

Mr. Grinnell said he wanted to be clear on what Mr. Fuller was saying. The board has to consider the evidence as presented at the hearing. If they opted not to be here, so be it. Unless you decide to table it and bring them in, then the meeting goes on.

Mr. Leerkes says, "My question is are they providing services there and you can't prove to me that they are."

Mr. Grinnell, states except for minutes from an official meeting.

Mr. Leerkes states but that hasn't been presented here. You have not presented that as proof.

Mr. Grinnell says, "Our testimony is that being at the official town safety meeting, St. Joseph's stated for the record they would be providing services at this establishment."

Mr. Leerkes said, "Like I said you didn't bring the record".

Mr. Fuller asked them to listen.

Mr. Grinnell said, "The record is yours".

Mr. Leerkes said, "No you have to provide that to us, you know this Bill".

Mr. Grinnell said that is a cop out and you know it.

May other things were said but so many speaking it was inaudible.

Mr. Leerkes states "I am not chairman ,Mr. Stoddard is."

Mr. J. Vilardo said if we were to come back next month with minutes from safety minutes , and Mrs. Vilardo broke in saying "if they wrote them down", and Mr. J. Vilardo says how much weight is that going to have, because what I am sensing is that for that conclusion the board is going to rule against us."

Mr. Leerkes says, "No not me, I need proof is all I am saying." You have the burden of proof.

Mr. J. Vilardo says, "Use your brain Mr. Leerkes, use your brain. Just think about it."

Mr. Leerkes said, "You insulted me, I'm trying to help you out and you just insulted me."

Mr. J. Vilardo said, "Mr. Leerkes even if we bring this other stuff to you, that will seriously change anything or anyone's minds."

Mr. Leerkes says, " if it wouldn't, why would I ask for this information. I'm not here to waste my time. I get up at 4 in the morning everyday to go to work and I'm here on my time." You have presented me with nothing and all I've asked for is proof.

Mrs. Vilardo states, "and we appreciate you".

Mr. J. Vilardo says,"I have presented you with logic as to why this is a business, go ahead and laugh." "Anyone with a logical mind can see that this isn't strictly a residence. I can tell by the way the board is acting that we are wasting our time."

Mrs. Vilardo states she appreciates what the board is trying to do, but if it came to your neighborhood you wouldn't want it happening either. I wouldn't come to this meeting saying that Rob Ross and Brendan Titus told us they were going to have services for 30 hours.

Mr. Stoddard said, "I understand, you can tell me this but it doesn't make it so."

Mrs. Vilardo stated she talked to Tonya at the Town Clerks office and Mr. Ball about the ZBA and asked Ms. Schryer if they wrote the minutes and she said No, and said anyone can get the minutes. I'll go to the office and get them in the morning if I have too.

Mrs. Thompson stated," That they are online."

Mrs. Vilardo said "let's go online right now and get them."

Mr. Knight asked if they could subpoena them and if so can they all be there to hear their side. What we are doing right now is not working for any of us at this time.

Ms. Lastowski wanted to state that she asked the CEO Bob Ross for the information for what is required to be a tenant and what the rules and regulations were to be to maintain residency in that building. I was told I would get it by email and have not received it. I

have received business cards from maintenance and people like that in my mail box , and Mr. Giordano asked for my business card that he could give to them and help me better understand the scope of things and once again didn't get the information . St. Joseph's has not been very forthcoming about what is happening, all we know is about treatment onsite is what was given at that safety meeting and what you have to know we have asked about that information and it has not been provided to us. They explicitly said that they had no problem providing that information but no one has come forward with the information.

Mr. Ezzo asked if the town lawyer could ask them better than we can and get a better response.

Mr. Fuller stated that he can't cross examine them.

Mr. Ezzo said I wasn't asking you to do that, just can you get answers from asking them.

Mr. Fuller said legally no I can't. I have to help the board render a determination. Unfortunately I am not allowed to do that, you would have to ask yourself.

Mr. J. Vilardo wanted to know if they can give Mr. Fuller a copy of their website that talks about what this apartment is and in their literature they call it a facility, right in their own literature, we will bring it next time.

Mr. Leerkes says his question is are they living there and getting services there or getting services somewhere else.

Ms. Lastowski states that living there is part of their service. They have to have 30 hours a month supervised , along with other activities. They have obligations and contingencies to be a tenant there. They can do other things outside this but living there is part of their treatment.

Mrs. Vilardo says, plus they have a case manager once a month.

Mr. J. Vilardo feels they should table this. I wish I had brought the print out where they refer to this as a facility.

Mr. Grinnell says it's a package deal. You can't rent from them unless you are taking the services they offer and you can't stay there if you aren't satisfactorily keeping up with these services they offer. They offer that service in the building or go over there to get the services. You can't be part of there unless you are taking their services. You can't, you can't live there unless you are taking the whole package. This is a business not a residential setting. This is how they make their money, period.

Mr. Stoddard said how do we subpoena and Mr. Fuller said we can discuss that after the meeting.

Mr. Leerkes said when we reopen the public hearing and Mr. Fuller said that you won't close the public hearing . Mr. Leerkes corrected himself and said when we reconvene, can they bring more evidence then too.

Mr. Fuller said, "Yes, but you need to set a time to have that information, you want it before the meeting, not the night of." You also give them a date and time to table it.

Mr. Leerkes asked if they have to give a minimum amount of time to respond?

Mr. Fuller said once again they aren't obligated to respond. If you want testimony from them, we can get them here. If they don't then they suffer their own fate or whatever maybe.

Mr. Knight said he is trying to absorb all of this. So whatever information they have the board needs it in advance?

Mr. Fuller states to Mr. J. Vilardo, "You know being on planning board for years, the only thing the board can consider is what is on record." So anything that you assume, like minutes or discussions is not in the record. So right now the only thing that is part of the record is these pieces of paper. The discussion tonight is record, but for the board you just saying it is considered hear say. So the zoning board is a little different than the planning board. They are at a higher standard giving that we are dealing with land use and property rights we have some constitutional application as well, so any determination that they render impacts those property rights, so again the record, whatever is in the record the board will use this to render a determination. If its not in the record for example, if its not in the record and they agreed with you and over turned Mr. Balls decision, the property owner would have a chance to challenge that. If something is not in the record, the court says, we don't know why they ruled, then that decision could be overturned. You certainly don't want that. Now you have wasted tax payers money on me defending a case we can't settle.

Mr. J. Vilardo asked are the minutes from the safety meeting online screenshotted off the website admissible.

Mr. Fuller said absolutely no real question of admissibility, whatever information you want in the record, that proves your case, I would encourage you to do and the board would agree to the same. Ultimately the decision will be made from that information.

Ms. Lastowski asked respectfully for the board to table this discussion until we can represent more evidence.

Mr. Fuller said that a certain date has to be picked.

Mrs. Vilardo said this question is for Mr. Fuller, "So as a tax payer, the town board and supervisor, the codes department, the lawyer, do they work for the tax payers or do they work for St. Joseph's?" Do they help us, who protects the tax payers from things?"

Mr. Fuller answered buy saying "if you are asking if I can give you legal advise on this appeal, NO I can not because I work for the Town of Ticonderoga."

Mr. J. Vilardo says "which in the long run represents the town which in turn represents the tax payers.

Mrs. Vilardo said "that is all she wanted to know."

Mr. Fuller said I can't pick your individual arguments.

Mrs. Vilardo said she was just trying to figure what we get as a tax payer.

Mr. Fuller said that would be your own lawyer.

Mrs. Thompson said you have to pick a date, you can't just table it. Letters will need to be sent out again, and this will; be the notice that they will get. So you all have to pick a date to reconvene to hear all of this. You will be tabling it until October 23, 2018 at 7 p.m. again.

Mr. Stoddard answer by yes please.

Mr. Grinnell said he has a question on Mr. Leerkes comment, if the board subpoenas the other side, is this setting precedence.

Mr. Stoddard said that they are not obligated to come.

Mr. Grinnell stated that they opted not to show up tonight, so if we come with more information and convince the board that we are right, and they opted not to come , what do we do then? If you do subpoena them, you are insisting that they come and argue with us.

Mr. Leerkes said no, I just want them to answer my questions.

Mr. Knight asked "Would you be subpoena them or requesting them?"

Mr. Stoddard says once again that they are not obligated to come.

Mr. Fuller says we aren't subpoena anyone, we are requesting that they come. You have to be careful with the words you use.

Mrs. Thompson says that all documentation should be in her office by October 18, 2018 no later than 4 p.m.

Mrs. Vilardo wanted to thank everyone, and say sorry that it got a little heated but the board needs to understand where they are coming from. It's very hard when your hands are tied and you keep hearing its not a business, it's not a business.

Mr. J. Vilardo said this could be an issue in the future and the town board should address the zoning.

Mr. Leerkes said most of the appeals we hear are.

Mr. Stoddard asked if they were all set to table the discussion.

Everyone said thank you as they left.

Mr. Fuller said if you have any questions for him you can meet after the meeting.

Resolution #07-2018 was made by Joyce Barry, seconded by Erik Leerkes to table the appeal for the ZBA meeting until October 23, 2018 at 7 p.m., with all information due into the Town Clerks office by October 18, 20128 no later than 4 p.m. **All in favor:** 5-Aye, 0-opposed, Carried

Resolution #08-2018 was made by Eric Leerkes and seconded by Doug McTyier to adjourn the meeting at 8:05 p.m. **All in favor:** 5 -Aye, 0-opposedk, Carried.

Meeting adjourned at 8:05 p.m.

Respectfully submitted by: Amy L. Schryer- Zoning Clerk