

**Minutes for the Ticonderoga Planning Board Meeting held on May 7, 2015
commencing at 7:00 p.m. in the Community Building**

Present: Chairman Stu Baker, Don Meserve, Walt Lender, Mike Powers, Scott Manning, Clerk Tonya M. Thompson

Absent: Karen Crammond, Joe Vilardo, Ben Leerkes

Others: Hank Overbeek representing Lake George Steamboat Co., Donna Wadsworth and Tony DeFranco representing D. Marriott's application

Mr. Baker welcomed the public and opened the meeting with the reciting of the Pledge of Allegiance.

Marriott, Daniel & Barbara 19 Steamboat Landing (160.33-2-16) Demolition and Rebuilding of Single Family Residence

- Currently - one story house, 1550 square feet, large deck with half of that overlaying the 50' shoreline set back, Southwest corner of house is just infringing on that 30' set back, municipal water/sewer, gravel driveway with easements for the other parcels to the north, small 800 square foot area of asphalt parking, concrete walkway to existing home, impervious area is approximately 4,000 square feet -
- Proposed - demolition of existing house, construct a new one (1) story, three (3) bedroom wood framed house, 2 car attached garage, house has been reconfigured to fit better with the set backs, a small portion of the jack is going to be over the 50' shoreline set back, total new impervious area is going to be 464 square feet, total land disturbance is 5,150 square feet, going to need a Lake George Park Commission Storm water permit (has been submitted), improve the minimum front yard set back from 28.5 feet to 30.7 feet, shoreline set back will improve from 36.4 feet to 40.47 feet, 0.3 acre flat lot

Mr. Baker asked if a set back variance from the Zoning Board for the water front was obtained. (Answer was No, there has been no referral to the ZBA).

Mr. DeFranco explained that there has been an application submitted for a jurisdictional determination from the APA.

Mr. Baker asked if a written determination has been received from the Codes Officer Bill Ball stating that this needs Site Plan Review only. (Answer was No). Without a written determination from Mr. Ball stating that his opinion is that this project needs site plan review only; he is of the opinion that the Planning Board review needs to come to a full stop. We do not have the authority to review any project that doesn't either (A.) comply with the Zoning Code or (B). have a variance.

Mr. DeFranco believed that there was an option to reconfigure the deck to make it come into compliance.

**Minutes for the Ticonderoga Planning Board Meeting held on May 7, 2015
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Mr. Baker answered that this would be fine, that would be an amended submittal of what we have before us tonight. This is nothing that we can act on. That doesn't mean that we cannot discuss this further. That way when it does come back to us, we can act on it.

Storm water management?

Mr. DeFranco explained that we are proposing erosion control measures to protect the site when it is under construction, we are under that threshold of 500 square feet for new impervious area.

Mr. Baker asked about existing versus proposed shoreline vegetation, any discussion.

Mr. DeFranco there currently has not been any, it is all lawn except for a concrete pad, retaining wall and cobble stones.

Mr. Lender mentioned that the storm water is not actually changing on the site by any significant amount. There may not be a need to submit the improvements to storm water management.

Mr. DeFranco feels it may need a minor permit.

Ms. Wadsworth has some questions and brought up some concerns. There is currently a building (barn) on her property that belongs to the Marriott's. In addition, there is an old septic tank in the ground that has not been filled in. Also, are there any requirements when a neighbor builds that close to you for sound proofing?

Mr. Lender believed that there is a requirement from the Town that when you connected to municipal sewer you were to cave in the old tank and restore the property. He also noted that there is no requirement for sound proofing but the Planning Board can consider it and make the recommendation as a condition of the approval.

Mr. Meserve inquired about the windows that are being shown into the attic 'storage' area, his comment is that these windows make the plans look like a two (2) or even a three (3) story home along with it having eight feet of height there. It is misleading.

Mr. Baker noted that this would be a code's violation and will be taken care of by Mr. Ball and hopefully he shares this information with the Assessor to make her aware of this.

Mrs. Thompson stated that Codes and the Assessor work closely together.

Mr. Meserve asked if there was going to be a perimeter drain around the foundation?

Mr. DeFranco would think so.

Mr. Baker asked if there was a perimeter drain, where would it go.

**Minutes for the Ticonderoga Planning Board Meeting held on May 7, 2015
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Mr. DeFranco answered that normally it would be daylighted somewhere and the only place to really do that here is the shore front to get the grade.

Mr. Baker would like clarification on the perimeter drain, where will it day light if it comes out towards the shoreline we would like to see flow velocity?

Mr. Lender also noted that there would need to be treatment before it goes into the lake, will the Park Commission allow a perimeter drain to daylight into the lake?

Mr. Meserve added that there would only need to be a perimeter drain on three sides.

Mr. DeFranco agreed that the backside can be addressed, but the front, that could be a challenge?

Resolution #11- 2015 brought by Mike Powers, seconded by Don Meserve to table the application for Marriott, Daniel & Barbara, 19 Steamboat Landing (160.33-2-16) Demolition and Rebuilding of Single Family Residence until we get either get (A) a written determination from the Code Officer that Site Plan Review is all that is needed or (B) this goes in front of the Zoning Board. (Along with concerns regarding Noise Buffers/Screening and Perimeter Drain). **All in Favor 5- Ayes, 0 - Nays, Carried.**

The board agreed if the deck had not been extended into the Shore line set back it would not appear that it would need any variances.

Mr. Baker would like to mention one thing that legal counsel has told him. If the Code Officer does make a determination that something doesn't need Zoning Board approval and just refers it directly to the Planning Board, the board as a whole can't appeal that, but we would have to have a written determination; that is one of the concerns here, we don't have any sort of written determination. Individually, any of us and any member of the public can appeal the decision of the Zoning Officer to the ZBA, but as a board we have to say, "Ok, he has made a written determination and has sent it to us, we have to review it as such." Mr. Baker added that if by chance he makes his determination to say that it does require a variance as the plans are before us tonight, once he has put this in writing anybody can appeal that. This is sort of a long way to say that if you think that someone might appeal this in such an instance, probably the most expedient way if you want to stick with this plan would be to say please send this to the Zoning Board.

Mr. DeFranco wants to make the board aware that he thinks the applicant is willing to tighten up the deck and reconfigure it.

Mr. Baker agreed that this is an option, if a reconfiguration is done and stays within the setbacks then great, we can then review it.

Mr. Baker asked the clerk if we require As Builts Surveys on projects. (The clerk did not know the answer to this). He believes that it is going to be very tight on the southern end of the project.

**Minutes for the Ticonderoga Planning Board Meeting held on May 7, 2015
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Mr. DeFranco agreed that it will be within a foot.

Mr. Baker stated that with this reconfiguration of the south side of the building it is going to be really important to get those corners done based on a surveyor's stake. He would recommend an ounce of prevention here.

Other Business

None.

Public Participation

None.

Resolution #12-2015 brought by Scott Manning, seconded by Walt Lender to adjourn at 7:35 p.m. **All in Favor** 5- Ayes, 0 - Nays, **Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk