

**Minutes for the Ticonderoga Planning Board Meeting
held on April 6, 2017 commencing at 7:00 p.m.**

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

Absent: Ben Leerkes

Others: Code Enforcement Officer Danielle Drinkwine-Holman, Bill Stubba, Tad Johnston, Corey Trudeau, Doug Trudeau, Tony and Mary Mazzotte

Mr. Baker opened the meeting with the Reciting of the Pledge of Allegiance.

Approval of Minutes

Resolution #16-2017 brought by Scott Manning, seconded by Doug McTyier to approve the Planning Board minutes from October 6, 2016. **5 - Ayes, 0 - Nays.** Walt Lender - Abstain. **Carried.**

Resolution #17-2017 brought by Walt Lender, seconded by Scott Manning to approve the Planning Board minutes from December 1, 2017. **5 - Ayes, 0 - Nays.** Mike Powers - Abstain. **Carried.**

Resolution #18-2017 brought by Doug McTyier, seconded by Walt Lender to approve the Special Planning Board Minutes from March 21, 2017. **5 - Ayes, 0 - Nays.** Don Meserve- Abstain. **Carried.**

Applications for Review

Trudeau - 150.43-1-6.000 (63 Montcalm Street) - One Bedroom Apartment (conversion)

- Old Morette place across from Fire House on Montcalm Street
- Two story - upstairs has a 2 bedroom apartment
- Bought as a non-commercial (per deed)
- Building has been empty
- Proposed Ground level one bedroom apartment
- Originally an apartment - was converted to commercial - wants residential again
- Building has been a financial burden
- No written determination from Codes Office

The board discussed extensively why this application was here at the Planning Board level. It was felt that this board has no jurisdiction over the review of this application.

Further discussion was held on the Zoning Code of first floor commercial buildings. The percentage of square coverage needed to be in compliance on the main floor of commercial buildings is 60% commercial to 40% residential.

The applicant has no written determination from the codes office. This property had been a residential property in the past and was converted to a commercial space. There is

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also an apartment next door that used to be a beauty parlor and has since been converted to an apartment.

The Planning Board is in agreement that this proposal does not meet the requirements to come in front of them. The applicant needs to go to the ZBA for a variance.

Mr. Trudeau expressed his frustration and the board agreed and again reiterated the law that they must follow. They suggested that Mr. Trudeau discuss this with Mr. Ball in Code Enforcement again and get a written determination from him in order to proceed. Compile all the history that he can find on the property and that may help with receiving a variance. They also suggested that Mr. Trudeau review the Site Plan Review Law so he are aware of what is needed. They would like to help, but they have no authorization to do so. The board apologized for the frustration.

Mazzotte/Air Methods - 139.4-1-52.121 (1207 NYS Route 9N) Heliport

- APA Permit approval has been received
- Heliport license approval has been received from NYS
- Noise abatement study has been completed
- Site Plan has been submitted

Changes to the Plan

- Security fencing adjusted
- Lighting added
- Fuel tank was moved to corner of the hanger for approval of the design
- 100% black top and not concrete for safety reason for the flight crews

Mr. Baker added for the board's information, this does not require County Planning Board review and it does not need SEQR - APA has reviewed this as a Class A project, since completing the Environmental Review and it becomes a Type II project.

Resolution #19-2017 brought by Walt Lender, seconded by Scott Manning to declare a complete application for Mazzotte/Air Methods - 139.4-1-52.121 (1207 NYS Route 9N) Heliport. **6 - Ayes, 0 - Nays. Carried.**

Mr. Powers asked about the changes.

Mr. Stubba explained that they moved the fuel tank maybe 25 feet from the same side of the building back to the corner of the building to meet the FAA regulations of having it back away from the Helipad. They added an additional light along the fence line and added a light on the windsock. Approach and depart tracts will remain the same. The Noise study determined that it is on average quieter than a garden tractor. Trucks made a more significant impact on the study than the helicopter.

Mr. Baker wanted to make a general comment on the regulations that we are dealing with here locally. In NYS, Zoning is supposed to be consistent with the Comprehensive Plan. As we know ours is not. We have a fairly recent Comprehensive Plan and we have a

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significantly outdated Zoning Code that doesn't even come close to being consistent with the Comprehensive Plan. Same holds true for our Site Plan Review Law, which is more pertinent specific to this property as the law we are actually using in reviewing this. Our Site Plan Review Law doesn't require projects to be consistent with the Comprehensive Plan. He points this out because the Comprehensive Plan actually advocates Aviation based development at the Airport and no where else in Town. It calls that out actually in part 4 of the Comprehensive Plan, but since our Site Plan Review Code does not require consistency with the Comprehensive Plan that is absolutely irrelevant to our work this evening. He just would like to state this for the record to point out yet another example of the problems with our codes, which frankly we have found more difficult to deal with since the Comp. Plan was updated, because of the inconsistencies between the codes and the Comp. plan.

Mr. McTyier sees that the approach plan is over Mazzotte's land, but the departure plan is over the Van Wert property. How high are they when they go over that.

Mr. Johnston stated that all the elevations are listed on the plans. They are higher than the power lines. There is no conflict.

Mr. Baker asked if there were certain weather circumstances that would cause the departure to the North West would be on a lower level.

Mr. Stubba stated there is not, they would be higher actually.

Mr. Baker asked the board if they felt there should be a Public Hearing held on this project? Public Hearings on Site Plans are discretionary under the Site Plan Review law. Is there a preference as to whether one should be held? (No complaints have been heard from public comments - no Public Hearing is needed).

Resolution #20-2017 brought by Scott Manning, seconded by Doug McTyier to approve the complete application for Mazzotte/Air Methods - 139.4-1-52.121 (1207 NYS Route 9N) Heliport. **6 - Ayes, 0 - Nays. Carried.**

Additional Business

Mr. Lender noted that he attended the Lake Placid meeting and they held a seminar with a presentation on solar energy regulations, the Department of State (Chris Eastman) even offered to review our proposed law if we so chose. (copies will be sent to the board members).

Resolution #21-2017 brought by Walt Lender, seconded by Scott Manning to adjourn at 7:43 p.m. **6 - Ayes, 0 - Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk