

**Minutes for the Ticonderoga Planning Board meeting held  
on June 6, 2019 commencing at 7:00 p.m.**

**Present:** Chairman Doug McTyier, Mike Powers, Scott Manning, Don Meserve, Walt Lender, Zoning Officer Bill Ball, Clerk Tonya M. Thompson.

**Others:** Robert Gibson, Marianne and Ed Axtmann, Tim Cobb

Mr. McTyier called the meeting to Order and asked for the Pledge of Allegiance.

Axtmann - 1 Tin Pan Alley (150.59-8-10.211) - Demolition of Existing Home and Building of New Home

- Demo of existing home - completely level the property
- Placing a 1 story Ranch house (modular) within Town regulations
- Attached garage
- 26' in height (allowed no more than 30')
- 11-12% lot coverage (allowed 30%)
- Complying with 10' set back from side, 30' set back from rear and 50' set back from water front
- LGPC - will need silt fence permit; application will be submitted
- APA - Non-Jurisdiction
- FEMA - No basement in flood plain, able to fill in the flood plain to raise the level to take it out of the flood plain (will only build a crawl space)
- Sewer - gravity fed at the back of the home so the home needs to stay on the hill
- Just received a letter from Lake George Water keeper in regards to the fence - they have all the paperwork on the variance for the fence, it meets all the requirements from APA - a low section was installed within the first 50' and the variance was granted by Zoning for a higher section
- Old house on concrete piers, new home will be 4' crawl space
- Energy efficient, will improve the neighborhood and add to the value of local properties, meets all set back requirements, not encroaching on anybody's privacy

Mr. McTyier stated that you are now in the envelope of where you can build. Answer is yes.

Mr. Powers asked about a sewer main that goes through the property as shown on the map.

Mr. Ball explained that this was an old line and has since been abandoned.

The board asked Mr. Lender if he can explain the job of a water keeper.

Mr. Lender explained that he did speak with the LGPC and they do expect an application from the Axtmann's for storm water. They did not feel that there would be a lot of concerns with this property, it is mostly flat and mostly bedrock. He does suggest that if we move forward tonight it be on the condition of getting the permit from the Park Commission.

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Mr. Meserve asked who specifically is this Lake George water keeper?

Mr. Lender explained that he is an employee of the Fund for Lake George which is a non-profit organization for the Lake. He is an engineer. He is not an employee of the Lake George Park Commission.

Mr. McTyier asked if Mr. Ball had any concerns? This LGPC Storm water permit.

Mr. Ball stated that this is definitely what we need to get for this project. With the garage being moved they will be extending the driveway. Usually a single family house has more than 5,000 square feet of disturbance, disturbance is not just the home it is where the vehicles are parked where items are stored and it is a lot easier to get them involved (LGPC) involved before you get started.

Mr. Lender agreed that you need to make sure you are squared away with the Lake George Park Commission with not just your storm water that the house and driveway will create, but also the soil and water management during the construction. The area of disturbance is not just the footprint of the house but the space around it also. It goes from stable soil with lawn to now loose soil that can run into the lake and such.

Mr. Ball asked about the silt fence.

Mrs. Axtmann stated that they installed one when they brought the fill in and it stayed for year.

Mr. McTyier asked who puts that in.

Mr. Lender explained that the applicant will suggest and then Lake George Park Commission will review and approve/not approve or suggest a different area. They are really good about that.

Robert Gibson (handed out some paperwork and pictures) stated that he is opposed to this project for a number of reasons that he had listed in his reports and has included four (4) different opinions that have been signed by licensed professionals regarding their opinion about the project. He thinks that - to give some background - he has his life investment right next door and this particular house that is pre-existing has got a foot print of 720 square feet and the applicants are applying for a permit to building basically two structures put together which are going to create one structure going different directions and the foot print would be increased to 2650 square feet which is quite an increase. He already has a storm water problem on the property, the water keeper obviously has put in writing his concerns. His concerns are to immediately have some kind of determination made as to what the immediate problems are and if in fact there should be some kind of permit in place prior to going forward with any final determination as to what is going to be built. He has a lot of water and that has been acknowledged, the other thing is this is the only design that has really been put forward and in the actual application he doesn't really see what this house is actually going to look like but he can tell from the

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descriptions that it appears that it is going to be 66' long on the east side which ties into another section of the main house that will be running east to west on his property line at 60' by itself. He does not now how close this is going to be, he is being told it is going to be 24 - 25 feet it is not really clear on the application in the drawings. With that being said, that is going to physically block most of his view from his building lots of Lake George and that is a real concern because he has his life invested in five or six properties right next door which haven't been developed yet which he was relying on having a reasonable view and he thinks - to suggest that this super structure is going to be built 10 feet away from his property which is only 54 feet wide, this doesn't give him any room to get around that to see anything and since the size of the lot is .57 acres he would think that without jumping at the very first design, which he has nothing to do with, perhaps there is a way to set a new structure closer to the center of the property and he knows that, and he talked to the water department - the location of the tap on the property has nothing to do with where the house can be put because there has already been fill brought in. The applicants have shown that they can raise the property up so to prepare a sight they can put the house anywhere on the property. It doesn't have to be 10 feet off his property line and that is what his main concern is. He is going to have this structure in front of him that is 60 feet long on one side and 66 feet going down perpendicular and that is going to drastically change any opportunity he has of showing the view of Lake George to not only myself, his family and people that use the property but future owners of the parcels that he wants to development. It is going to take the value out of most of the properties that he has already set aside to have built. It is so stated in the report that he has made copies for you from the professionals that are in the real estate business. Also the engineer, Mr. Novitsky who talks about the storm water issue. It would be his hope that before a final decision is made perhaps this could be tabled for a chance for other agencies to take a close look at the property, do a site plan inspection and really make a determination as to what is going on here. As Bill Ball said, it is already possible that 5,000 square feet of disturbance has already or is going to be occurring. The fact that he is getting a lot of storm water that he has never had before is a real concern for him and this is something that Mr. Novitsky.....

Mr. McTyier stated that the Storm Water is going to be addressed.

Mr. Lender agreed that this will be addressed in the Storm Water Plan that will be applied for and then whatever design is approved by the Park Commission will address the storm water on the property. It will be designed so no storm water flows off the property either towards the lake or toward neighboring properties it will all be infiltrated on site.

Mr. Gibson continued ok, so as far as the actual design goes, is this the only design that is available for.....

Mr. McTyier confirmed with Mr. Ball that the Axtmann's will need to come in for a building permit. He stated that basically the Planning Board is determining that this is in fact the building envelope and this is where they will be building this house on the property. By the time the building permit is done it could change a bit, correct?

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Mr. Ball explained that this diagram is pretty much written in stone for approvals, they can't make the set backs any less....

Mr. McTyier agreed but we are making sure that they are in the envelope....

Mr. Ball agreed and added that you as a board are giving permission for the application as submitted. There may be some circumstances that they might have to move the house a bit because of rock or material underground. But the application is the proposed project.

Mr. Meserve stated to Mr. Gibson, when you bought your property there was already a house right there, and you are talking about developing lots along that property line ....

Mr. Gibson stated yes, and he designed them to have a lake view and he is just asking the planning board if there ..... he has no objection to someone building..... if there is going to be a plan that is determined, shouldn't it be a plan that really everyone can be in agreement with without harming someone else. That is what he is trying to say.

Mr. Meserve stated that there is an existing house there and it has nothing to do with the lake because the lake is still in front of the lot.

Mr. Gibson does not agree, it has everything to do with the lake and he cannot really show you because he does not have a larger map. He knows what you are trying to say, but this is what we are used to seeing right now, what he is suggesting is isn't there a way to do this so that if there is going to be a new structure it is going to be more towards the center of the property because if it is 10 feet off the property line that is going to be a virtual wall.

Mr. Lender answered that they are already moving it closer to the center of the property, they are giving it greater set back. The building that is there is non-conforming and it sits in the set back area. This will move it farther away from the property line and..

Mr. Gibson agreed that it is moving it farther away and recognizing the 30 foot set back on the back yard, he is on the side of the property and the main view of the outlet is right behind the house that they are going to be constructing and that is why he is concerned because it will be gigantic compared to what is there right now. It will be twice the size of the structure that is now standing as far as the footprint goes on the one size. (Mr. Gibson showed pictures of the properties). All he is saying is that if this were to be built that close to his property line.... he does believe that there would be a lot more privacy for both parties if this were closer to the center. He thinks this would be a benefit for both parties, not just himself. This is a large structure and he would like to see this more than 10 feet off his property line. He knows this is the bare minimum, he knows that this is what the regs. are, all he is trying to do is work with the Planning Board and with the applicants and try to come up with something that everyone can live with so that there is not going to be any tension down the road. That is a large structure and he is going to

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lose a lot of sight where they are going to build it. He will lose views of the lake on multiple lots.

Mr. McTyier stated that the view of the lake is in the front of the house, no matter where they put this house on this lot, there is going to be obstruction to somebody down the lake.

Mr. Gibson explained the way it has been looked at by others and the way it has been explained to him is the further away from the actual property line the easier it will be for those lots to access a view because it is not going to be so close to the other property lines. He does not know if he is explaining it the way he should, but for someone to be that close to you, the farther away it gets it is easier to view Lake George. It is going to be easier because the house isn't going to be that close. The closer it gets the bigger it gets. The further away, something that large gets it is not going to be as obtrusive. He would hope that there would be a plan and not just this initial plan which has come in at 2650 square feet, there has got to be more than one style home or one position on that property if that is the only style that you feel should be used only at 10 feet off that property line. The 30 foot set back is fair, that is something that was settled at ZBA and that is done and he is fine with that, but as far as being 10 feet off his property line, he just doesn't see any relief on his end of that. If it was closer in to the center of the property, which is something that he thought the applicants had initially intended to do when they contacted the ZBA in writing in 2008. A copy of that letter is also in there where they state that they want to move the house towards the center of the property, so he did design his lots based on that letter, based on that information and now it is 10 feet off the property, he would like to see it closer to the center of the property.

Mr. Meserve stated that you are talking hypothetically also, because you don't have any houses that this house is obstructing yet.

Mr. Gibson stated that the lots have been drawn, he has an envelope that has been set by the Town and it is a tight envelope on these lots. He can only go so far one way or another. So in that respect, this is critical.

Mr. Meserve asked how close will your homes be on your properties.

Mr. Gibson stated that they were set up with zoning with the set backs in place so the front and the back...are..... my envelopes have already been drawn so he can't move.

Mr. McTyier asked when you sell those lots are you going to determine with those people what style house they can build, so that the ones behind them can see.

Mr. Gibson stated that there will be no one behind them because that lot is wooded. It is naturally wooded which is one of the reasons that they liked the property because it was wooded and as far as choosing the style of the home, he can only go so big because of the envelope. His envelopes that have been drawn comply fully.

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Mr. McTyier explained what he is stating is when people buy these down the road, they are going to pick the spot and house that they are going to build.

Mr. Gibson stated that they will be restricted in a sense that they can only go so large because they also have to deal with coverage as well. All of this will come into play, the regulations won't change, it is just that the people ..... and again, he will probably end up building the homes and reselling them, but he doesn't know how he will get a reasonable return if this house is going to be that close to the property line. That is going to be bold, that is going to be massive and that is going to be right in his face.

Mr. Manning stated that those houses that you are going to be building are going to be cutting into your so called view too. These ones that you are going to be developing.

Mr. Gibson showed Mr. Manning a photo of the area he is talking. Stating that this land has been subdivided and the homes that go in here will not bother anybody.....

Mr. Manning asked how this proposed house is going to affect your properties?

Mr. Gibson stated that this lot in particular.....

Mr. Manning stated that it is not going to make any difference because there is a house there right now.....

Mr. Gibson stated that there is a house right now but the difference is that the length is quite less than 60 feet going down the property line and 66 feet going down the other property line....

Mr. Manning again stated that this is not going to make a difference, whether it is 10 feet off the line or 50 feet off the line it is not going to make any difference because it is still going to block the view. .... inaudible

Mr. McTyier interrupted and stated that the board appreciates the comments...

Mr. Gibson continued that this is his big concern and it will make a difference, the privacy thing is a big thing, it is not just the view, being 10 feet away from somebody's house isn't a lot of privacy. It is only 10 feet away.

Mr. Meserve stated that the house that is there is less 10 feet....

Mr. Gibson stated yes, but that house was non-conforming.....

Mr. Meserve stated when you bought that property there was a non-conforming home ...

Mr. Gibson stated that he is not dictating to the board where the house should go, he is just asking that if there is a way to put the house more than 10 feet off his property line....

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Mr. Meserve said that it sounds pretty dictating to him!

Mr. Powers asked if the existing driveway would be removed.

Mrs. Axtmann stated that the plan is to use part of it and swing it to the new garage. What she put on the application was from the garage straight out, but we have re-thought that because it would make it closer to the lake than we would like so we would like to use the existing driveway and swing it to the garage.

Mr. Powers stated that then part of the driveway will not be used anymore. This would be in that 30 foot set back.

Mrs. Axtmann would like to comment, they did go to zoning and tried to keep the house 10 feet from the property line because Mr. Gibson did ask her years ago to keep it as far back from the lake as she could. Zoning said no, with a brand new structure, you had to comply with the set back, which we are doing tonight. The property that is being talked about is two lots away from us. It is our understanding that when you buy water front property, your view is to the water not through someone else's property. His lots that he is talking about is two lots away from us and his view would be through the other lot that he owns.

Mr. McTyier interrupted and said that we are getting off track and this will not help with our reviewing.

Mrs. Axtmann stated that we are just trying to meet all the set backs and build within the envelope that the town requires.

Mr. Lender stated that we need to act within the confines of this application.

Mr. Powers asked if the fence will stay in place -- answer was yes.

Mr. Lender asked Mr. Ball if he say anything wrong with the application - answer was no.

**Resolution #4-2019** brought by Scott Manning, seconded by Walt Lender to declare the application complete for Axtmann - 1 Tin Pan Alley (150.59-8-10.211) - Demolition of Existing Home and Building of New Home. **5 - Ayes. 0 - Nays. Carried.**

**Resolution #5-2019** brought by Scott Manning, seconded by Don Meserve to approve the complete application for Axtmann - 1 Tin Pan Alley (150.59-8-10.211) - Demolition of Existing Home and Building of New Home with the condition of approval of Storm Water Permit from the Lake George Park Commission. **5 - Ayes. 0 - Nays. Carried.**

Mr. Powers asked more specifically what the Water keeper is. They are more or less an interested party with no real authority.

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Mr. Lender agreed that the regulatory agencies are the Lake George Park Commission, the Adirondack Park Agency and the Town. The non-profits really have no authority

Mr. McTyier wanted to ask the board's opinion on what should happen if there comes a time that he cannot make it to a meeting.

It was decided that Mr. McTyier would contact a board member to appoint a Chairman for the night and it will be noted in the minutes.

**Resolution #6-2019** brought by Walt Lender, seconded by Scott Manning to close the meeting at 7:40 p.m. **5 - Ayes. 0 - Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk



June 5, 2019

Dear Planning Board Members,

My name is Robert J. Gibson Jr. And I am responding to an application for site plan review submitted by my next-door neighbors the Axtmann's. My family has owned and enjoyed lakefront property on the East side of Lake George in the Town of Ticonderoga continuously since the 1930's. I currently own # 43 Water Street , # 45 Water Street which consists of Lot # 1 , Lot # 2, Lot # 3, and Lot # 4 . All approved building lots . And # 49 Water Street. I have owned # 45 since 1996 , purchased # 43 from my neighbors Mr and Mrs Huntley in 2005 and purchased #49 from my neighbor Mary Jane McCaughin in March of 2008. I have a strong interest in American History and am very proud to be a part of such an historical community. I come from a family with a strong military background. I love my country, and I am very fond of my neighborhood . *I have made many friends here and hope to make many more.* I like to mind my own business , and avoid a conflict whenever possible. I have worked very hard to keep what I currently have . I have my life's savings invested in 6 properties here in Ticonderoga, all contiguous to each other. I can't afford or allow an act by another party to jeopardize what I have worked so hard to keep. Like any proud homeowner, you are always trying to protect your property from losing value and never welcome an act that might cause "harm " to your greatest investment. After many years of hard work and improvements, my home at # 43 Water Street ( next door to Axtmann ) has become a lovely vacation destination for many happy , friendly , families that love Lake George and love everything Ticonderoga has to offer . My guests add to the local economy by visiting all of the sites and businesses that are so close to this wonderful location I am proud to call " Home ". It gives me great satisfaction to see other families enjoy what I have created over the years. I personally " meet and greet " . every houseguest when they stay at my property . I went through the legal process for my subdivision and gained strong support from my neighbors . I made final design changes to be sure that my " improvements " would not harm anyone else . I received unanimous Town approval in 2008. It is my intention to build a new home on one of my building lots in the near future when financially possible.

In a 2-page letter addressed to the Ticonderoga ZBA dated July 27, 2008 (attached), the current applicants (Axtmann) responded to my application for my subdivision . In the letter the Axtmann's *discussed their future plans for their own property stating that they would like to remove the present structure and build another house more central to the property.* They also mentioned that I had concerns that the new structure would limit the view of the outlet that ( Lot # 2 ) would have. I still have those same concerns , 11 years later , including a great loss of privacy and an increase in encroachment, and obstruction of my view of Lake George that is already very evident .

I am very disappointed that my neighbors have put me in this defensive position but as I stated earlier, I can't afford or allow some act by another party to jeopardize or harm my greatest investment and will fight for what is right and fair . To use another design that is not so large and or is placed farther away from the my property line would be more reasonable. This is not the only home design in the world . Nor is this the only spot on a 24,829 sq. ft. lot that you could construct a new home . This is Not reasonable , and very self-serving .

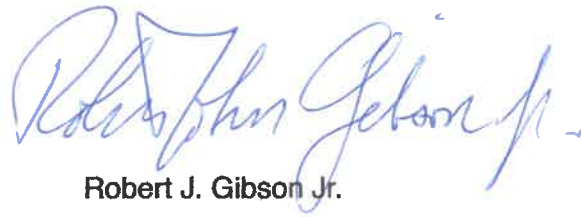
Furthermore , whose decision was it to increase the size of the existing footprint from 702 sq. ft. to 2,650 sq.ft.? It was not my decision . It was not the ZBA 's . It was not The

Lake George Park Commission . It was not the APA. Nor was it FEMA. It was the applicants decision . The Axtmannns "created" this Monstrosity on paper . They did it by themselves . ( self-created ) . Furthermore, who decided to choose the site and the way this was laid out along my property line instead of some other location "more central to the property" as stated in the 2008 letter they wrote to the ZBA ? A site I might add , that clearly will cause more "encroachment" and less "privacy" for me and my adjoining properties . Why can't a new home be placed in the center of the lot (24,829 sq.ft. ) far enough from all setback concerns ? The applicants have demonstrated the ability to "raise" the level of their property with backfill . Certainly , another build site could then also be " created " more central to the property in a manner that does not impose such a permanent threat to the visual beauty of Lake George. I am at your mercy as the one property owner who will be adversely affected and "harmed" the most if you allow such a request by the applicants. I would then be forced to challenge it , which I do not look forward to being forced to do. I would hope that when property owners have an opportunity to " improve " a non-conforming structure , they would be encouraged to use designs that would actually "improve" an existing encroachment or "obstruction" that exists with an adjoining neighbor as well , instead of "expanding" the encroachment or obstruction ( i.e 60' long structure on my lake view side and a 66' long structure perpendicular to the 60' structure along the East property line . ) thereby " adding " to the losses of privacy , obstruction and encroachment that have existed when a real "improvement" could be made by proper planning. Proper planning would also give true " relief " to a nearby property owner who may already be suffering from the effects of encroachment, obstruction , and privacy loss. I have not been approached, contacted, or consulted by the applicants prior to their decision to "backfill" a portion of their property . Nor was I approached , contacted , or consulted by the applicants prior to their latest plans to pursue demolition, and new construction despite raising concerns about the same with them as far back as 2008 . I am a reasonable person , but I can not see anything positive with this current " plan " just additional "suffering " . Surely , another location and or design can be brought forth for consideration at a later date .

To approve such a design would not only cause a major loss of value to my properties ( especially Lot # 2 ) and permanently damage the visual beauty I currently enjoy, but also burden me with a certain loss of "privacy" and a certain increase in encroachment certainly causing an immediate and permanent Negative impact on my properties . This would not improve my "quality of life " which goes against Good Zoning and Good Planning . Does it not ? My lot next to the Axtmanns is only 54' wide. I can not imagine a permanent structure 60' long basically "Hugging" my property along the side with the greatest views of Lake George. I already have Stormwater issues . I would hope that in all fairness and common decency , a design can be proposed that I can support that will not "expand" an already existing unfair situation. To impose undue or unfair restrictions or encroachments on others for the convenience of the applicant is simply unjust . I appeal to your sense of fairness and good will and ask that this application be denied for obvious reasons, and another plan that does not grossly injure my properties be submitted for future consideration. But not this application . The current " footprint " of the home at 1 Tin Pan Aly is 702 sq. ft. The applicants wish to increase this footprint to 2,650 sq. ft. ! This is a "permanent" change that I will have to endure for as long as I and others after me own these properties. Picture 2 tractor trailers about 60' long each parked permanently perpendicular to each other just 10' away from your property line ? And

right behind them , the beautiful views of Lake George , ( that you can't see .) That is what this design resembles . Would you like that ? I would like to be able to get along with all my neighbors , but this is not a "friendly gesture". If the shoe were on the other foot , how would the Axtmanns like it ? How can I expect a " reasonable return " on my 22 year investment next door with this monstrosity " hanging " over my property ? There is no way in good conscience and honesty that anyone should approve this design and location simply because this is what the applicants want .There are many options open to the applicants that they have not explored . Good Zoning and Good Planning protects everyone. Again , I am at your mercy as a property owner who believes in " fairness".This is a matter of "common decency" They have plenty of "area" to work with . I feel these types of " improvements " are only " improvements" if everyone benefits . There is a better way to do this. Thank you for all of your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, reading "Robert J. Gibson Jr.", with a stylized flourish at the end.

Robert J. Gibson Jr.



**Current Stormwater Issue . Memorial Day Weekend 2019.**

111 Fulton Avenue  
Poughkeepsie, NY 12603-2807  
July 27, 2008

Linda K. Moore, Clerk  
Zoning Board of Appeals  
Town of Ticonderoga  
Ticonderoga, NY 12883

Dear Ms. Moore:

The Axtmanns, of 1 Tin Pan Alley in Ticonderoga, are in receipt of the letter regarding the hearing of Robert J. Gibson, Jr and his application for a variance and subdivision at 45 Water Street. Unfortunately, we will not be able to attend this meeting.

We recently spoke with Mr. Gibson regarding his subdivision and made known to him some of our concerns. We inquired as to what the structures on the proposed four parcels would be and what purpose they would serve. Mr. Gibson told us that he is proposing four houses that might possibly be used to house family members or could possibly be rented out during the summer months.

*We voiced our concern over the fact that there might be transient people in the neighborhood.* We were assured by Mr. Gibson that he would efficiently screen each and every possible tenant, because he is also planning on building a home for himself on one of these parcels. He would not want anyone on his property that might possibly destroy anything that he builds, including his relationship with the neighbors.

We also voiced our concern about the possibility of his changing the character of the neighborhood, and once again we were assured by Mr. Gibson that that would not be an issue. He hopes only to make the neighborhood better by his future construction.

If the Town feels that Mr. Gibson meets *all the necessary setbacks and any other* requirements that the Town has set, and is willing to grant him the variance to establish four individual lots on this property, then the Axtmanns have no objections.

The only other concern that we have involves the future development on our own property. Our present house sits on the far Northeastern most corner of our property. *In the future we would like to remove the present structure and build another house, more central to the property, with an attached garage in the back. This would all be done within the designated Town setbacks . A preliminary drawing of our future plans has been presented to Mr. Wayne Wagner in the Zoning Department.*

*Mr. Gibson voiced a concern that our plans for future development would limit the view of the outlet that his second structure would have.*

We would like some kind of assurance from the Town that if we agree to the present request by Mr. Gibson for his subdivision, that we would not have any repercussions from the neighbors, when we proceed with the future developments on our property.

Thank you for giving us this opportunity to voice our opinion.

Sincerely,

*Marianne K. Axtmann*  
*Edward J. Axtmann*

Marianne K. Axtmann  
Edward J. Axtmann

APPLICATION FOR ACCESS TO RECORDS  
TOWN OF TICONDEROGA  
P.O. BOX 471  
TICONDEROGA, NY 12883

I hereby request:

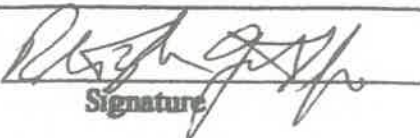
- 1.) An uncertified copy of \_\_\_\_\_ 2.) A certified copy of \_\_\_\_\_  
3.) To inspect the record \_\_\_\_\_

Name of

Record:

1 Tin Pan Alley (Axtmann)  
PLANNING BOARD Applications AND Minutes  
ZBA - Applications AND Minutes  
Building Permits + Applications  
2005 - Present.

Rob

  
Signature

4-25-2019  
Date

43 Water Street  
Street Address

Ticonderoga  
Town

NY  
State

12883  
Zip

(518) 421-0657  
Phone

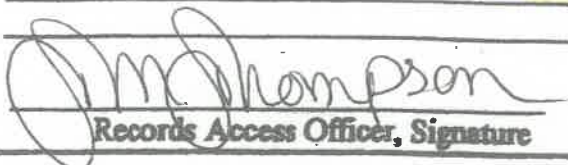
\*\*\*\*\*  
For Agency Use

Request Approved

\* Request Denied for the Following

Reason:

NO records on file

  
Records Access Officer, Signature

04/30/19  
Date

Notice: You have a right to appeal a denial of this application to the head of this agency, who must fully explain his reasons for such denial in writing seven days of receipt of appeal.

I hereby appeal:

Signature

Date



**FAZIOLI APPRAISAL SERVICES**  
**1361 NYS ROUTE 9N**  
**TICONDEROGA, NEW YORK 12883**  
**(518) 585-3586**  
**fazioliappraisal@verizon.net**

August 31, 2011

Robert J. Gibson, Jr.  
43 Water Street  
Ticonderoga, New York 12883

RE: Proposed Stockade Fencing

Dear Rob,

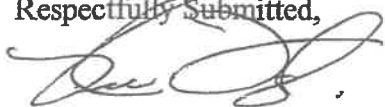
Pursuant to your request, I have inspected your property located at 43 Water Street, along Lake George, in the Town of Ticonderoga for the purpose of determining if any change in market value(s) would be evident should an eight (8) foot stockade fence be erected along the most southerly boundary of you property.

I have reviewed the photos submitted to me along with photos I have on file from previous appraisal work as well as other properties I have inspected which appeared to be adversely affected by an externality (an improvement situated off of the subject parcel which may have a negative or positive impact on the estimated site value of said parcel). In your case, we are considering the aforementioned stockade fence.

Whereas the market value of views is inherent with the total estimated site value, it is my opinion that any obstruction of views, i.e. power lines, buildings, other residences, or, in this case, an 8' stockade fence, would in fact have a negative effect on the estimated site value and overall marketability of 43 Water Street and adjacent building lots to the North of the subject. Said fences, or privacy fences, do not appear common for the area in the immediate subject market neighborhood, where views are preferred to the south and are considered site enhancements.

Should you need supportive documentation other than my opinion, please don't hesitate to ask.

Respectfully Submitted,



Rich Fazioli  
NYS CRA  
Lic. No. 45-13498





Thursday, June 6th, 2019

**RE: 1 Tin Pan Aly**

Dear members of the Ticonderoga Planning Board,

Since meeting with Mr. Gibson regarding his parcels on Water St. In Ticonderoga, I felt compelled to share my concerns regarding Mr. Gibson's' adjoining properties. This is inclusive of the building lots to the North of the subject property now in planning review, 1 Tin Pan Aly. As a home designer for almost 20 years (Eric and Eric) as well as a licensed NYS realtor, my opinion is that Mr. Gibson's' lots and adjoining properties have been negatively impacted by decisions outside of his control for several years. One of the main reasons Mr. Gibson agreed to make multiple investments on Water St. were the beautiful lake views from the properties he purchased. Over time, these views have been negatively impacted by visible obstructions and property encroachments outside of his control. Installation of stockade fencing, warning signs, surveillance cameras, numerous eyesores, debris piled at the water's edge, and multiple boats and trailers stored near Mr. Gibson's property. As a Realtor, I see the "current-conditions" as being very harmful in the potential investment sale of any properties bordering this parcel. Most potential buyers would view these properties to be somewhat stigmatized by the neighboring property to the south unfortunately.

As a home designer, I am looking at the current application before you and I have to say, there would appear to be other potential alternatives to the "current proposed plan". The current design has two-flanking wings similar in length and style to tractor trailer boxes that obstructs the neighboring parcels lake-views. The lot is 0.57 acre. To greatly decrease any concerns about storm water, privacy, obstruction, encroachment, I would advise a client to consider building such a structure more in the center of the lot as there appears to be plenty of room. The current proposed house location would negatively affect the properties beyond reason in my opinion.

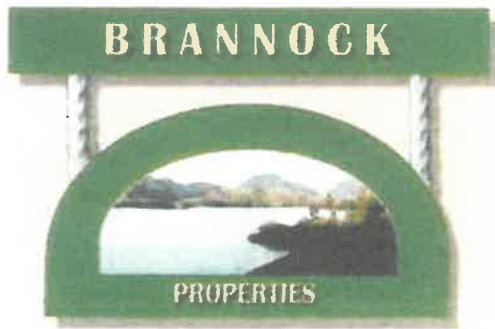
Respectfully,

A handwritten signature in black ink that reads "Walter S. Swartz".

Walter S. Swartz

Cell 518-791-1545

E-mail [waltswartz@gallorealty.com](mailto:waltswartz@gallorealty.com)



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[www.lakegeorgewaterfront.com](http://www.lakegeorgewaterfront.com)

June 5, 2019

RE: Gibson property-Water Street/off Water Street  
#43 Water Street/#45 Water Street lots # 2 & 3

Dear Ticonderoga Planning Board :

I have been in the local Real Estate business for 36 years and am very familiar with local valuations .

I have physically inspected the above properties and have reviewed the application for site plan review.

The proposed location and size of the new structure would only further injure (monetarily) Mr. Gibson's properties next door to the North where Mr. Gibson already suffers from what appears to be an almost continuous "wall of visual interference" right down to the waters edge . This is not the way I remember the property line when Mr. and Mrs. Huntley sold the property to Mr. Gibson in 2005. It was wide open with superior views . Now, there is a very "angry" looking stockade fence and other debris piled up along the property line near the lake!

I have also seen a document dated July 27, 2008 that is authored by the applicants where they state to the ZBA that they intend to remove the existing house and build a new house "more to the center of the lot" I can see in this application , the "new"and "permanent" structure is proposed to be built only 10' off of Mr. Gibson's lakeview property line and be 60' long ! This would not be my idea of the "center" of the lot . If this plan were used , I would assign great losses to several of Mr. Gibson's properties . The possibility of resale would be greatly "diminished" causing serious financial losses. The views would be forever lost to a giant "curtain" 60' long too close to the property line to see past or around . If this is the only design and size ( 60' x 26' ) and ( 40' x 26' ) attached garage ? that the Planning Board feels is appropriate for this lot , then I would hope it would be built in a spot that does not further obstruct Mr. Gibson's remaining views of Lake George .

Sincerely,



**LAKE • GEORGE  
WATERKEEPER®**

PO Box 591, Lake George, NY 12845

Tel: (518) 668-5913 Fax: (518)-668-5915

Email: [info@lakegeorgewaterkeeper.org](mailto:info@lakegeorgewaterkeeper.org)

[www.lakegeorgewaterkeeper.org](http://www.lakegeorgewaterkeeper.org)

June 6, 2019

Mr. Doug McTyier, Chairman  
**Town of Ticonderoga Planning Board**  
132 Montcalm St.  
Ticonderoga, NY 12885

**Re: Axtmann – 1 Tin Pan Alley (150.59-8-10.211)**

Dear Mr. McTyier:

The above referenced application was personally reviewed in my capacity as a licensed professional engineer and the Lake George Waterkeeper. The increased property line setback is recognized to be a benefit and reduce off-site, unmanaged stormwater discharge. But the plan is lacking mitigation measures to reduce the impacts of increased impervious cover and should require the submission of a stormwater management plan as well as a detailed grading plan. Additionally, the site development should meet all existing regulations for shoreline setbacks including the stockade fence.

**The project requires a stormwater management plan as per the Lake George Park Commission regulations.** Joe Thouin informed the applicant the thresholds for a stormwater management permit from the Lake George Park Commission in a 2013 correspondence. This project exceeds the threshold for impervious cover and requires a stormwater management permit. The Planning Board should table the application until the stormwater plan is submitted to determine adequate mitigation measures to protect the resources of the Town and Lake George Park.

**The application should contain a detailed grading plan to demonstrate drainage management in maintained onsite from all disturbed areas.**

**The Planning Board should require the applicant to verify compliance with Adirondack Park Agency shoreline regulations for the stockade fence that extends to the shoreline.** The Adirondack Park Agency considers fences as structures and limits the size of structures within the shoreline setback. The Planning Board should determine if the existing fence is compliant with all regulations.

The Waterkeeper recommends the Planning Board table the application pending the submission of additional information to determine proper mitigation measures and compliance with applicable regulations.



THE FUND FOR LAKE GEORGE

The Lake George Waterkeeper looks forward to working with the Town of Ticonderoga Planning Board to defend the natural resources of Lake George and its watershed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Navitsky". The signature is fluid and cursive, with the first name "Chris" and last name "Navitsky" clearly distinguishable.

Christopher Navitsky, P.E.  
Lake George Waterkeeper

cc: Joe Thouin – Lake George Park Commission



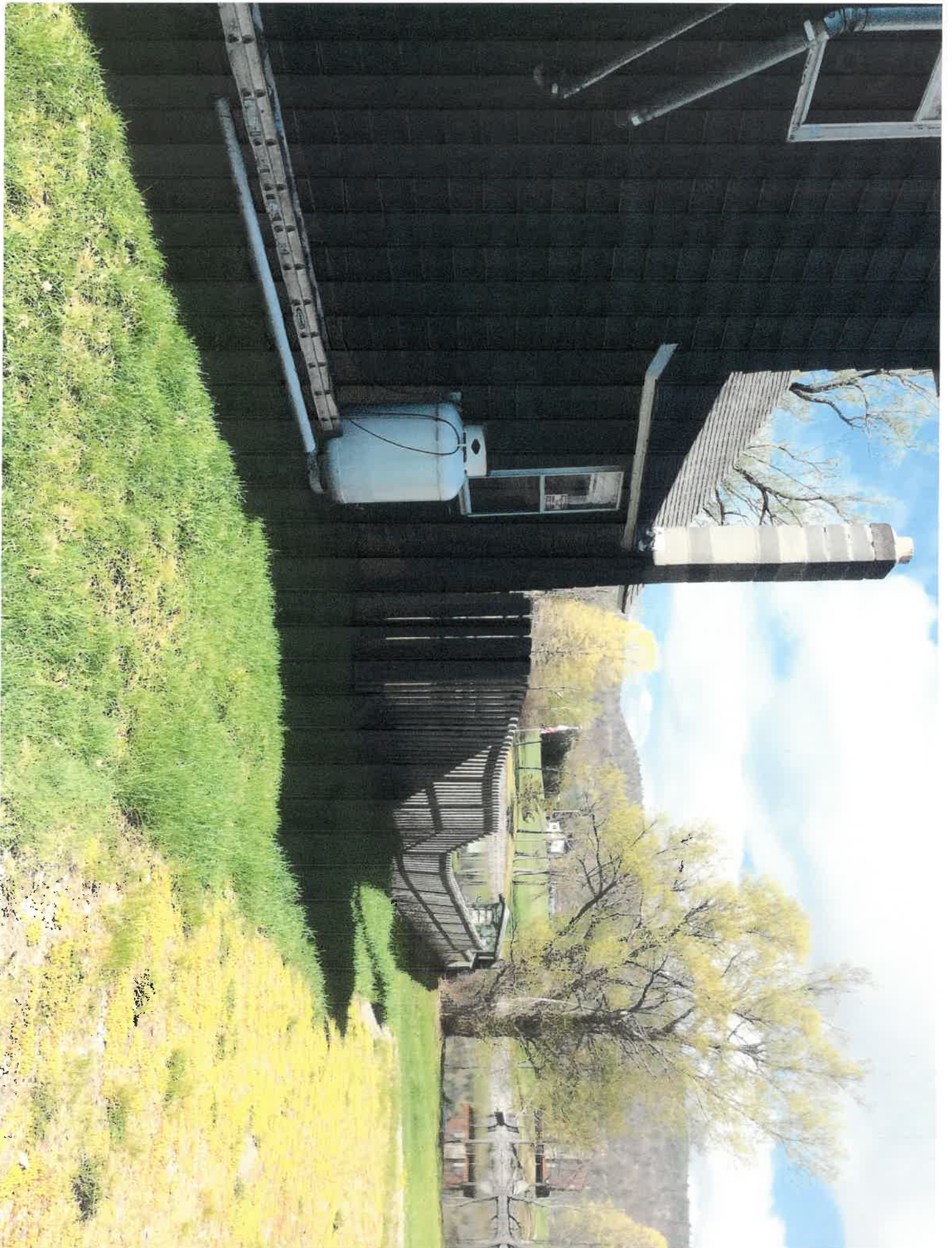
My view of the butlet looking South (Before Stockade Fence)







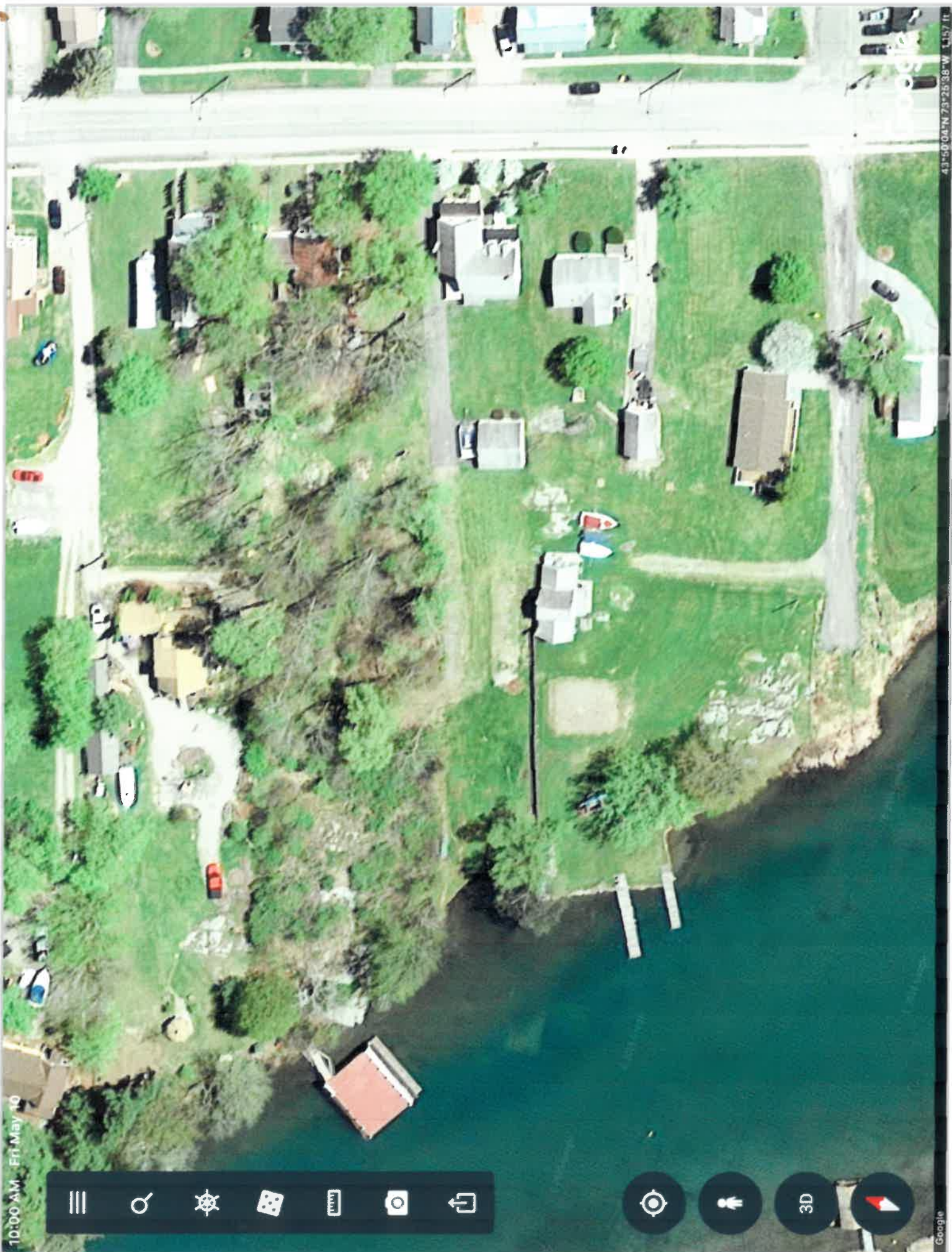












10:00 AM - Fri May 10



Google

43°58'04"N 73°28'38"W 1.157 ft



