

**Minutes for the Ticonderoga Planning Board held on March 4, 2021  
commencing at 7:00 p.m. with a continuation of a Public Hearing Regarding  
East Light Partners Solar Project**

**Present:** Chairman Dr. W.D. McTyier, Don Meserve, Ben Leerkes, Stephanie Mitchell, Mike Powers, Matt Fuller (Town Attorney), Dave Burrows (Building Insp./Zoning Admin), Tonya Thompson, Town Clerk

**Others:** Erin Conklin, Jamie Fordyce, Rick Santa Maria, Will Bliss, Jim Beatty, Wendy DeWolf, Tom Cunningham, Mark & Laura Wright, Joe Giordano, Rob Singer

Chairman McTyier opened the meeting with the Reciting of the Pledge of Allegiance.

Public Hearing

East Light Partners - 49 Veterans Road; Tier III Solar System

Chairman McTyier re-opened the Public Hearing regarding East Light Partners.

Mrs. Thompson explained that we are still in the 30 days allotment of the notification period for the other referral agencies. This time period will run out this coming Monday. We have not heard anything, but we have to wait for the entire 30 days to close before moving forward. DOT, DEC, Army Corp. of Engineers.

Chairman McTyier stated that while we are waiting is there anymore information, some regarding the Soil testing from years ago.

Mr. Fordyce explained that he did reach out to the neighbors that brought up concerns from the last meeting. He met with the Choquettes and reviewed the site plan and the view from their home. It was confirmed that it was minimal, no panels will be on that Rafferty parcel that lies between their home and where the ray will go. At the last meeting, we follow-up and shared with you all the Phase I of the Environmental Site Assessment and that is what supported out Environmental Consultant conclusion that despite the prior use of this site as an orchard and likely pesticide application, it use as a solar form wouldn't proposed health risk and would serves as a beneficial re-use of the property. He did receive that letter from 1888 regarding the soil analysis, it was not something that they had seen. It showed elevated levels of metal in the soil associated with its historical use as a follow-up to receiving that letter, Hanson VanVleet out to the site to conduct some more soil sampling to confirm whether or not those elevated levels are still present 33 years later. We do have results and it shows that the levels have declined significantly, we are sharing the report with the DEC to make sure they are aware of the current state of the project site. We are going to be discussing with them approval of a soil management plan to make sure that no soils will be removed from the site. This will be shared with the board.

Mr. Bliss added that we took samples in a few different areas on the project, along the road, where there's likely to be a bit more disturbance of soils, we did four different samples throughout the array where we're going to have some minor trenching, but all the amount of dirt that is going to be disturbed on this project is going to be pretty minimal. Typically in a commercial, industrial use setting you don't know the typical response for

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the levels that we have found based on Hanson VanVleets analysis is maybe the top foot of soil that is disturbed would be replaced with a new soil that is imported and the other existing soil would just remain on site to be used as backfill.

Chairman McTyier asked if we could have an example of some of the numbers, you said it had decreased significantly. Just an overview.. If 33 years ago the bad value was 10, what is it now?

Mr. Bliss explained that typically these readings are in parts per million. The standard commercial industrial use level for arsenic is about 16 parts per million would be acceptable and would not require review with the DEC. It is pretty common to find those kinds of levels in soil. He believes they found levels of 26 parts per million of arsenic. Same order of magnitude, you are typically looking to kind of fall within the same order of magnitude when an order of magnitude of 1 to 5 higher is when you typically need to bring in some more significant remediation to handle those types of soils. We still haven't gotten a response from the DEC but typically, when you're kind of plus or minus 10, 15 parts per million it is going to pretty minimal action on our part and that is what we are expecting.

Chairman McTyier asked what were the numbers 33 years ago?

Mr. Burrows asked if these samples were taken from the same spot on the property as where they were tested back in 1988? That may give different readings which may not be accurate to that letter if you took them from a different spot.

Mr. Fordyce stated that there was an exhibit in the 1988 letter that was sent, which gave some indication of the location, but it was hard to confirm, what the approach we took with Hanson VanVleet was to sample in multiple areas of the site, so four distinct areas. What we believed up by the entrance to be where that prior sampling had been done in the orchard area towards Veterans Road, and that would be represented by the Access Road, disturbance that would be associated with the Access Road. We also took samples in the in the orchard area where the main array will be, we took samples in the south-west, sorry south-east corner of the site, where we'll be trenching for transmission over to the transmission corridor for an underground connection cable and he thinks they took a control outside the array area and where the prior orchard area had been previously. So where they found the elevated levels, was in the prior orchard area, there were no elevated levels of concern where we'd be trenching toward the Rafferty parcel over to the transmission easement. Looking at the letter, just for the magnitude sense for how much has been naturally abated from '88 to today; average parts per million of lead were up at 2989 which is extremely high, our environmental consultants had some concerns about the validity of the date, but the current testing are under 100 parts per million for all three of the compounds of concern which were lead, arsenic and pesticide.

Mr. Bliss corrected this stating that the only one that was over 100 was lead, he believes 284 in the array area, but acceptable amounts is 1000 parts per million so this is still a fifth of what an acceptable amount is.

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Chairman McTyier thanked them, this was helpful. He asked if anyone else on the board had any more questions on this.

Mr. Powers stated that he brought this up at the last meeting and that is good information and what he was looking to hear.

Ms. Mitchell asked if this information will be confirmed in a letter, what we are receiving tonight. (Yes, Report will be sent in and distributed to the members along with put in the property file).

Chairman McTyier wants to talk about Stormwater, that was his big concern last month and it still is because of the proximity of that one home there. He went and walked it today, because he read some of the APA responses and he kept hearing about a swale behind their barn there. He knows your fields are about 250 feet behind the barn, he walked back up in there so he could get a little bit better picture of the lay of the land and he believes he saw the swale. The problem in that area may be down below the house where there is a big wetland where water pools every year when there is a bad storm. So he walked down that fully down under the road and instead of a big round, culvert there is like a rectangular opening that is open that goes under the road and that is probably a lot of the problem there and he knows that is an existing problem there and not due to your project and based on yours, the run off would be no worse than it was before the project, he was looking at the numbers here, but it is just so critical that this doesn't become any worse there because of the way it backs up in that lagoon. Now, on with your charts, you have three boxes where you talk about pre-development runoff and post-development runoff and it is a one year storm, a ten year storm and a 100 year storm. On your 100 year chart he is assuming that there is one misprint on there because the numbers didn't add up properly. This is table 4, page 7 of the storm water. It shows the post development run off being much, much less than pre; however, the numbers don't add up, it still a little bit less, but the numbers are wrong. If you add up the two it says 476 isn't that supposed to be 576? You may want to look at that.

Mr. Bliss expects that this is likely a typo.

Chairman McTyier's continued that the APA's main concern was that the pervious service road you are going to use, they suggested that it be considered impervious in your calculation, you did do this correct (yes, correct.) Ok, that is considered all impervious area.

The members of the board were asked for their comments.

Mr. Meserve had no further questions, his main concern was the chemicals.

Ms. Mitchell asked the Chairman if when you speak from the room there, will you identify by name who is speaking so we can follow, please. We can't see, really, who is speaking if it is not you.

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Chairman McTyier stated that Don Meserve was speaking, he stated that his main concern was the chemicals and that is pretty much been answered.

No other members had questions.

Chairman McTyier stated so now we have to wait for these other agencies and that deadline is next week, so we will have to table this again until the next meeting.

**Resolution #9-2021** brought by Ben Leerkes, seconded by Don Meserve to table the Public Hearing regarding East Light Partners until the April 1, 2021 Planning Board Meeting. **All in Favor** 5- Ayes, 0 - Nays, **Carried.**

Mr. Fordyce asked if it was possible, even though we're waiting on the 30 day window, to close the public hearing.

Chairman McTyier stated that we will wait until we receive those other letters or the 30 days have expired.

Ms. Mitchell noted that we are the lead agency in this, did we follow up that they did receive the information? We confirmed that the other agencies received the information or know about this project and need to respond, correct? Communications are so difficult right now with COVID and everything.

Mr. Bliss stated that they have not made an effort to confirm that those notices went out by the Town, he is happy to have interactions with the agencies, but it was up to the Town.

Mrs. Thompson stated that she is the one that sends this paperwork to the other agencies and they were sent. That is why we have this deadline of the 30 days, to be this coming Monday.

Ms. Mitchell stated she is just looking for a confirmation.

Mr. Bliss stated that they did have a separate unrelated conversation with the DOT just this week and they did confirm that they did receive the notification.

Ms. Mitchell said thank you.

Minutes for Approval

**Resolution #10-2021** brought by Ben Leerkes, seconded by Don Meserve to approve the Minutes from November 5, 2020. **All in Favor** 5- Ayes, 0 - Nays, **Carried.**

**Resolution #11-2021** brought by Ben Leerkes, seconded by Don Meserve to approve the Minutes from December 3, 2020. **All in Favor** 5- Ayes, 0 - Nays, **Carried.**

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**Resolution #12-2021** brought by Ben Leerkes, seconded by Don Meserve to approve the minutes from January 7, 2021. **All in Favor 5- Ayes, 0 - Nays, Carried.**

**Resolution #13-2021** brought by Ben Leerkes, seconded by Don Meserve to approve the Minutes from the February 4, 2021. **All in Favor 5- Ayes, 0 - Nays, Carried.**

Applications to be Heard

Steve Racanelli - 120 Montcalm St. (150.43-9-13.000) Renovations of Burleigh House  
(Presented by Ric Santa Maria)

- Strip Exterior of building
- Remove Shed to the South utilize as a Parking Lot
- Exterior will be Foe red Brick - look like 30's/40"s adjacent Buildings
- First floor 2 office spaces
- Second floor 2 apartments
- Remove the existing asphalt
- Remove the first 4' off the building of sidewalk
- Excavate down around the building 3 - 4 feet
- Attach angle iron around the building that will support the brick veneer
- Take advantage of excavation and put additional drainage around the bldg (spoken with Water/Wastewater Superintendent about this)
- Flat roof drain will be attached to the street water system rather than the septic
- Fencing will be around the property to protect it and the public
- Jersey Barriers will be placed on Montcalm parking and Champlain parking - allows the creation of temporary pedestrian sidewalk to the intersection - give the ability to set up the staging, do the demo, and do the masonry without anyone being in the construction site area.
- Heating system is air to air heat pumps, condensers are on the roof.
- Primarily an electric system as opposed to what it previously was

Chairman McTyier stated that the rendition on the picture in front of us looks nice. He opened the board for comments.

Mr. Burrows would like to have our own engineer look at these plans, just to identify that things are on the up and up. He hasn't really had time to look them over efficiently to see what we have. He thinks that since we will be near the intersection and there are safety concerns, that he would like to have an engineer of our choice take a look at these plans, before we move too much further.

Mr. Santa Maria stated that he has also spoken with the Highway Superintendent and explained the concept and he was very comfortable with this concept. The engineering piece that you are referring to, is that specifically for the construction accessibility around the building or are we talking about the buildings constructional engineering?

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Mr. Burrows is talking about the Buildings constructional engineering.

Mr. Santa Maria stated that the engineer that we have Artisan Engineering is a licensed Engineer in NYS that has done many projects with Balzer and Tuck as well as himself and other Architects.

Chairman McTyier asked what the rest of the board think about this.

Mr. Leerkes stated that unless there are issues, we accept certified engineer stamped plans. Their license is on the line, they are guaranteed. It would be an unnecessary expense to have another one approved.

Ms. Mitchell let the board know that she cannot hear the discussion.

Chairman McTyier stated that Mr. Leerkes and he said that usually, a lot of times what has been done in the past is because these are state licensed engineers we have depended on their expertise with the project. Their license is on the line for the detail.

Mr. Fuller stated that we have had projects before, such as Lowes, that we have had the Town's engineers review the project. This is completely within the purview of the board. Separately, if Mr. Burrows needs it for the architectural or construction that can be dealt with as part of the process here. So there are two parts, if Mr. Burrows needs that is one part, and if the Planning Board wants it reviewed then that is another. Either of that can happen or both.

Chairman McTyier asked then if Mr. Burrows wants a review done engineering wise for the construction itself are we making a motion for that with this board?

Mr. Fuller stated that it would come through part of this Site Plan Review Process. We would need a quote of what the review cost would be and we have a pretty standard agreement that we have sent to applicants in the past that we would use for that. The Town has an engineer on retainer and get a quote and under our Site Plan and Zoning the applicant is responsible for that cost and we would pass that cost along to them and let them know obviously that they have the choice of continuing with that cost or not.

Mr. Santa Maria wanted to comment that this is a long standing licenses engineer that has stamped these plans. That is an engineer that is certified in NYS, their license is on the line. He is a little confused by having to have our client pay for you to do that.

Mr. Fuller stated that this is completely within the purview of the board.

Chairman McTyier inquired of the board what they felt about hiring an engineer.

Mr. Meserve does not feel it is needed.

Mr. Powers does not feel we need this, but can understand why Mr. Burrows would.

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Ms. Mitchell is in agreement to back Mr. Burrows up.

Chairman McTyier stated that it appears the consensus of board is that it does not feel an engineer is warranted.

Mr. Fuller will work with Mr. Burrows on this matter.

Chairman McTyier asked the board for any questions on the application.

Mr. Leerkes inquired why this was in front of the Planning Board. He does not see any issues that they need to decide.

Mr. Burrows stated that this is an occupancy change, which triggers Site Plan Review.

Mr. Fuller stated that this is Mr. Burrows determination on the application.

Chairman McTyier asked that looking at these plans, is there 7 or 9 parking spaces around this building.

Mr. Santa Maria stated that the parking area is something that the Civil Engineer and Balzer & Tuck worked together to figure out for the use of that building for the apartments and office space. He didn't really question between the civil engineer and the Architect the plan, it seemed to him that there was plenty of space. We certainly are making quite a bit more space by removing that shed off the back. Creating more space than originally had. The perception of that area is going to be greatly improved than what it currently looks like. He doesn't think there is a problem.

Erin Conklin stated that she is the project architect with Balzer & Tuck and we worked with the civil engineer using the standard design sizes for parking spots and angles and car sizes to determine the number of spots we felt could fit on the site.

Jim Beaty asked a question as an abutter to the property. Will the design respect the right-of-way that allows access from Montcalm Street to the loading dock in the back of the Cobbler's Bench?

Mr. Santa Maria stated yes, sir.

Mr. Beaty stated the other concern, since they would be looking down on the roof, the appearance of the mechanical equipment arrangement out there.

Mr. Santa Maria stated that the pumps are not that large, you have probably seen them around residences. We'll have them in orderly fashion, probably situated in the forward third. There is an access to the roof from below from the stairwell area and he thinks the orientation will be a nice neat line, it's inboard will be very orderly and neat.

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Ms. Mitchell stated that this is a nice looking project. She wanted to ask a question about the brick that you introduced as brick veneer. She looked up brick veneer and she was wondering if the whole building was going to be brick veneer?

Mr. Santa Maria stated that it is not veneer, it is actually a full brick. He may have said veneer but it is a full bed brick. It is a normal, just like all the other buildings are made of. It is not an applied veneer.

Ms. Mitchell noted that she just wanted clarification, because she doesn't think we have a historic Montcalm Street, but at least in her heart she is leaning that way. The continuity is important.

Mr. Santa Maria believes it is too, and the architecture, Erin and the Balzer & Tuck team have done an amazing job of following the tradition of the buildings that were put in there before this and would be very much in keeping with the rest of the town. He thinks it will be a beautiful piece.

Ms. Mitchell noted that she has concern about the removal of the debris that you will be taking out of the.. it is a very urban area for us on that corner and she lives downtown so it is very busy all the time and we have the post office as you know behind, so on and so forth, could you go on a little bit about what that building has as far as content that you will be removing in the sense of anything dangerous. She didn't see any asbestos or anything like that, but she is just wondering how you're going to be transporting it out or anything of relevance that you could share on that.

Mr. Santa Maria agreed, we have hired a company called Orion, that is a professional demolition company out of Albany, New York and all of the concrete and all of the demolition will be taken out, and all of the OSHA regulations and dust control and everything else will be respected. They will be put into trucks and hauled away. Pretty much all of the exterior, the stove system and all of the exterior and most of the interior, when we are done the floor systems will be left and the roof system and the structure, the block structure and all of the asphalt and the concrete around the building and in the structure which is mostly concrete in the back will be hauled away to a certified landfill that can receive that.

Ms. Mitchell asked will OSHA, will there be somebody there on-site or is this just a situation....we had a project down in Long Island where the debris wasn't covered in the trucks and it was asbestos and it went all through the town.

Mr. Santa Maria stated that we have to test the..... all construction of any building that is pre-1975 has to be tested and we had this building tested for asbestos, they tested the stove system, they tested the interior, they tested the ceiling tiles, they tested the floor materials and everything was well below 1%, matter of fact, it was just.. a very, very small trace amount in one area, well within the regulations..



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Ms. Mitchell noted that she has been in the basement of that building and there is quite a bit to be removed down there, will the basement be being used as well?

Mr. Santa Maria stated that the basement will pretty much be left as storage and mechanical area, it will not be finished.

Mr. Powers stated he has no questions, it looks pretty straight forward to be honest.

Chairman McTyier stated that we will need to get Mr. Burrows and Mr. Fuller together, what does the board feel.

**Resolution #14-2021** brought by Ben Leerkes, seconded by Don Meserve to declare a complete application for Steve Racanelli - 120 Montcalm St. (150.43-9-13.000) Renovations of Burleigh House, (Presented by Ric Santa Maria). **All in Favor 5- Ayes, 0 - Nays, Carried.**

Mr. Fuller inquired as to whether a Public Hearing was held on this application. This is the first time this project is in front of this board and per Site Plan Review Law you must determine whether it needs a Public Hearing or not.

Mr. Powers stated that we do Site Plan Reviews on a regular basis and is not sure that we need a public hearing on it.

Ms. Mitchell thought we had to have a public hearing on a project like this. She asked for the Town Attorney to explain.

Mr. Fuller noted that if it is a Site Plan Review application, before you can vote ...

Mr. Santa Maria asked in this particular instance, the Burleigh House has been sitting there vacant for quite a long time. It has had asphalt parking lot all the way around it, the sidewalk is in pretty touch shape, you are talking about a site review, the conditions, when he thinks about Site Review, he thinks about something that is changing the way it is being used. We are not changing the use of the grounds, we are improving the conditions, we are improving the building that has been vacant for a long time. He is not arguing, but it seems like....

Mr. Fuller stated that this is an application in front of the board and not his determination, your determination of whether or not you will have a public hearing is going to be with this board. The board should dust of the Site Plan Review and go through it. You need to make a decision under Site Plan Review if you are going to have a public hearing or not.

More discussion was held on public hearings and Site Plan approval.

Ms. Mitchell stated that this looks like a great project to move forward on, she thinks though that it is in our best interest and our community's to have a public hearing on this

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with a site review, because it is a change of use in her mind, in the sense that it is going from a restaurant to two office areas. To her that is a change of usage to our community and so it behooves us in the Planning Board to have a public hearing for the purpose of discussion of those offices for questions the community might have as far as what type of offices will they be, is it going to increase traffic, what is the implication, will there be shipping trucks dropping things off? There are so many questions that it will move smoother for all of us and our Town board, in my opinion, if there is a public hearing. So she would like present that for discussion for the board and if it is not too much to ask for.

Mr. Leerkes read the law regarding Public Hearings, Section 6.5 in our law says very clearly that we cannot disapprove an application without a Public Hearing, but it is a total discretion to the planning board to hold. So if we make a motion to not hold a Public Hearing, it requires that we approve it. If there is any question about this project, we will be required to hold a public hearing, if there are no questions we can make a motion to NOT hold a public hearing.

**Resolution #15-2021** brought by Ben Leerkes, seconded by Don Meserve to not hold a public hearing for the application for Steve Racanelli - 120 Montcalm St. (150.43-9-13.000) Renovations of Burleigh House, (Presented by Ric Santa Maria). **All in Favor 5- Ayes, 0 - Nays, Carried.**

Mr. Powers did not feel this needed a public hearing, the application materials are pretty well cut and dry and there is plenty of information there. As far as delivery trucks and what not, when it was a bar, there were delivery trucks there all the time, so that question is kind of moot As far as what kind of offices, he does not see the relevance of that question to the project.

Ms. Mitchell stated it would only be relevant if it is a sales team or a radio station, she doesn't know what it is going to be. There could be questions in the community like that, but she is certainly open to moving it if you guys don't want to further discuss this and involve the community.

Mr. Fuller stated that you can comfortably deem this a Type II action with SEQRA.

**Resolution #16-2021** brought by Ben Leerkes, seconded by Don Meserve to declare a Type II action for SEQR for the application for Steve Racanelli - 120 Montcalm St. (150.43-9-13.000) Renovations of Burleigh House, (Presented by Ric Santa Maria). **All in Favor 5- Ayes, 0 - Nays, Carried.**

**Resolution #17-2021** brought by Mike Powers, seconded by Ben Leerkes to approve the application for Steve Racanelli - 120 Montcalm St. (150.43-9-13.000) Renovations of Burleigh House, (Presented by Ric Santa Maria) finding no adverse environmental impact of this project for a Negative Declaration. **All in Favor 5- Ayes, 0 - Nays, Carried.**

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Chairman McTyier stated that you will now need to work with Mr. Burrows and his comments and concerns.

Mr. Santa Maria would like to invite Mr. Burrows to meet with our engineer any time he wants and we can sit down and go over things. He has worked with Artisan Engineering for 30 years and they are as good as they come and we have no problem talking Mr. Burrows through anything as will Balzer & Tuck. We will work with everyone, this is a team effort.

Mr. Powers would like to make a suggestion that if we continue to meet this way, when we make the votes on whatever we are voting on, that we do them in a roll call fashion so we know who's voting what.

Mr. Fuller stated that legally these meetings have to be transcribed, and when you do a vote like that they do not show up in these transcripts. So that comment is a good one. Hopefully, in a month we will be done with all of this anyhow.

**Resolution #18-2021** brought by Ben Leerkes, seconded by Don Meserve to adjourn the meeting at 7:45 p.m. **All in Favor 5- Ayes, 0 - Nays, Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk