

Minutes for the Ticonderoga Planning and Zoning Board held on May 4, 2023, commencing at 6:00 p.m. with Public Hearings regarding three Area Variances 1) Scott Reale -lot line adj. 2) Farley Tierney – Small Cottage 3) Snug Harbor – Relocate fuel farm

Present: Chairman W.D. McTyier, Don Meserve, Walt Lender, Mike Powers, Ben Leerkes, Clerk Tonya M. Thompson

Others: Jeff Birch, Aurelia Leerkes, Jeff Burns, Janessa Moses, Yarr Tyler, Farley Tierney, Mark Dichiara, Mark Wright

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

Public Hearings – Area Variances

Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane
Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200

Presented by Jeff Birch.

There will be no disturbance of the ground; we will be asking for permission to re-locate the property lines. This will fix a defect that has been in existence for over 40 years. When Mr. Reale was alive, he owned the three parcels and when he built his garage, it crossed one of the two property lines. Since we lost Nan last year, Scott wants to sell that piece of property so he needs to slightly change that property line to correct the defect of the garage sitting across the line. Secondly, there is a vacant parcel behind the two lake front parcels and all three are pre-existing, non-conforming. What we would like to do is cut that in half and join that to the two remaining parcels so it will make those two remaining parcels more conforming to the zoning rather than less. No buildings are planned, no disturbance of any kind is being requested.

Chairman McTyier reiterated that there will be no building planned at all at this site. (Answer - No)

Mr. Meserve asked about the parcel being for sale?

Mr. Birch noted that he does live next door to this property and if this is approved it is his intention to buy the ranch house from Scott Reale.

Public Hearing closed at 6:05 p.m.

Resolution #13-2023PZB brought by Walt Lender, seconded by Ben Leerkes to approve the Variance for Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200. **5 – Ayes, 0 – Nays. Carried.**

Tierney – Small Cottage Style Residence 325 Black Point Road Tax Map #150.75-3-3.000

The Plan is to build a small cottage more than 100' from the shoreline. Would like to get started immediately with completion to be next year.

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The drawing represents right on the shoreline, that is not the case. Where you see the boat inside the boathouse portion of the home, that will be a solid wall.

The variance is that the lot is narrow and there is no more property on either side to purchase property to get the correct width.

Public Hearing was closed at 6:04 p.m.

Resolution #14-2023PZB brought by Ben Leerkes, seconded by Walt Lender to approve the variance for Tierney – Small Cottage Style Residence 92 Black Point Road 150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Snug Harbor Marina – Relocate Fuel Dock & add 20' – 92 Black Point Road Tax Map #150.75-3-3.000

Presented by Jeffrey Burns

Our petroleum storage for the fuel dock will be getting updated and we will be replacing all the lines. We had a plan a few years ago to move the tank so there would not be as much fuel lines buried below ground, but there were objections from the neighbors so LGPC ended up turning it down. Now, we are trying to take the petroleum bulk storage tank location and the variance is needed because we are trying to put it on the center dock. It would be further away from the neighboring properties. The set up will be to have the petroleum bulk storage at the center dock in its own contained structure, it is a double wall tank, and we would also pour a pad and a containment structure as well. With this we would have the dispenser located at the petroleum bulk storage tank so we would have no buried line whatsoever. Everything would be contained in this and we would have essentially a reel with fuel hoses that we would pull down the dock to fuel up the boats. It would be easier to keep an eye on things, there would be nothing underground or under the docks, everything would be visible to the eye for inspection. It would be right up close to the building and the center dock would be extended about 20 feet. That will be the fueling dock.

Mark Dichiara has a question, but he feels that Jeff probably answered some of those. From the notice that he received it is apparent that they are moving the fueling operations to where it has been mentioned, he wasn't aware that they would be moving the tank so that is a positive for him as he is a neighbor. In moving the tank, will the existing berm be taken down too?

Mr. Burns stated that essentially, we will be emptying the tank, lift it up and pull the structure down, leave the pad there. We will probably take the wall down and plant grass there, that will probably be the extent of that.

Mr. Dichiara asked if there was any possibilities that you will be able to stretch hoses to the dock that is next to him?

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Mr. Burns stated no. The reel will be facing down the middle of that center dock. Our end goal is to keep this away from the neighbors.

Mr. Meserve feels this is a positive project.

Close the public hearing at 6:12 p.m.

Resolution #15-2023PZB brought by Don Meserve, seconded by Doug McTyier to approve the variance for Snug Harbor Marina – Relocate Fuel Dock & add 20' – 92 Black Point Road Tax Map #150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Site Plan Review

Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200

Project was described in the Public Hearing section. The board has no further questions.

Resolution #16-2023PZB brought by Walt Lender, seconded by Ben Leerkes to declare no Public Hearing is necessary for Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200. There is no environmental impact to this project. **5 – Ayes, 0 – Nays. Carried.**

Resolution #17-2023PZB brought by Walt Lender, seconded by Ben Leerkes to declare a complete application for Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200. **5 – Ayes, 0 – Nays. Carried.**

Resolution #18-2023PZB brought by Mike Powers, seconded by Walt Lender to approve the complete application for Reale – Re-Align Lot Lines and eliminate a vacant lot – 30 & 34 Windy Point Lane Tax Map #'s 160.35-1-25.000/160.35-1-26.000/160.35-1-22.200. **5 – Ayes, 0 – Nays. Carried.**

Tierney – Small Cottage Style Residence 325 Black Point Road Tax Map #150.75-3-3.000

Project was described in the Public Hearing section.

Chairman McTyier asked about a year round brook that runs through the property.

Mr. Tierney noted that there used to be in years past; this brook has migrated to the south. The most southern of the three lots belonging to this family has the brook now. There is some minor spring run off when it runs.

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Resolution #19-2023PZB brought by Walt Lender, seconded by Mike Powers to declare no Public Hearing is needed for Tierney – Small Cottage Style Residence 325 Black Point Road Tax Map #150.75-3-3.000. There is no significant environmental impact with this project. **5 – Ayes, 0 – Nays. Carried.**

Resolution #20-2023PZB brought by Walt Lender, seconded by Doug McTyier to declare a complete application for Tierney – Small Cottage Style Residence at 325 Black Point Road Tax Map #150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Resolution #21-2023PZB brought by Doug McTyier, seconded by Walt Lender to approve the complete application for Tierney – Small Cottage Style Residence at 325 Black Point Road, Tax Map # 150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Snug Harbor Marina – Relocate Fuel Dock & add 20’ – 92 Black Point Road Tax Map #150.75-3-3.000

Project was described in the Public Hearing section.

Chairman McTyier noted that this is all state of the art, leak protection – great safety mechanisms.

Mr. Burns agreed, there is a tank inside, it is double walled, you don’t even need a containment structure but we are going above and beyond.

Mr. Powers inquired if the inner and out tank, how much does the containment structure hold?

Mr. Burns stated 3200 gallons, it is more than the actual tank can hold.

Resolution #22-2023PZB brought by Walt Lender, seconded by Ben Leerkes to declare no Public Hearing is necessary for Snug Harbor Marina – Relocate Fuel Dock & add 20’ – 92 Black Point Road Tax Map #150.75-3-3.000. There is no significant environmental impact with this project. **5 – Ayes, 0 – Nays. Carried.**

Chairman McTyier again inquired about the lines on the dock, will they be all gone?

Mr. Burns stated that there will be a completely new system, so all the pipes that are under the dock and the buried lines will just be not used anymore. There will be no transportation of fuel through those lines anymore.

Chairman McTyier asked if there is special training for all the kids that come in as summer help.

Mr. Burns stated that they do not let any of their dock hands pump gas until we have personally gone out and essentially shown them how to properly do it. We make sure that they are trained in the possibility of spillage or anything like that.

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Chairman McTyier asked about fire suppression. Do you have anything around the tanks.

Mr. Burns agreed, stating that there are fire extinguishers out on the gas dock currently by the dispenser where the boats are fueled up. We will have extinguishers located at the bulk storage tanks.

Chairman McTyier asked about boat blowers.

Mr. Burns stated that technically, you are not supposed to have the boat blowers on when you are fueling up. You are supposed to leave them down and run it for 4 minutes after. We do everything we can to tell people to make sure they are running their blowers; the nice thing is that a lot of the newer boats are going outboard so they do not even have blowers on them. We are moving away from having them. Specifically, with our rental customers, we are very thorough with what we tell them to do before starting the motor up, private boat owners, can we get on and enforce that, probably not.

Mr. Powers asked about the piping, you say you are taking it out of service, but is it eventually going to be removed?

Mr. Burns stated that it was not in the original plans, but if it needs to be done, they can definitely do it. The pipe that runs down the dock can be easily removed, the other stuff, we would have to rip up the dock that we have laid down over the existing pipe, which would be a bit of a bigger undertaking and we would have to replace the dock after that.

Resolution #23-2023PZB brought by Walt Lender, seconded by Doug McTyier to declare a complete application for Snug Harbor Marina – Relocate Fuel Dock & add 20' – 92 Black Point Road Tax Map #150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Mr. Dichiara had some concerns that are an overlay from the previous plans that they are going to use that dock for fueling and that was deemed detrimental because of the boat traffic next to his property. So, there are concerns that he has, he knows that it was mentioned that they would not be doing any kind of fueling there, which is good. He would just ask that your approval stipulates that, this can't happen, that any fueling on that dock and/or the rental boat activity, which is about 40 (20) that would be coming from that dock, again that was the Park Commissions objection, the traffic with the close proximity to his property.

Chairman McTyier explained that the project that is here tonight for us to review indicates that they new dock that is being added to will be the only fuel dock, that is what we are reviewing, not anything else.

Mr. Dichiara stated that this would be stipulated.

Mr. Powers added that it is in the plan, that this is the fueling dock. There will be no fueling anywhere else.

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Mr. Dichiara added that his other concern is, and again the reason he asked about the tank and the berm, whether or not that was going to be removed. Right now, they have the storage boats parked on the upper lot and that has created a real safety hazard for him. He cannot get in and out of his driveway. So, as part of this site plan review, he is requesting that stipulation that either you can't block his site line from his driveway.... He is probably three feet over the white line before he can see coming out of his driveway. He has to pull out, he can't back out. He knows you are approving the site plan with changes, so, one of his requests would be that there would be restrictions on the parking next to his driveway.

Chairman McTyier again explained that they are only looking at the fueling station. It is not a site plan for a building lot.

Mr. Lender agreed and added that it is not the entire property. If we were to review the entire operations of the entire marina, that would be something that we would get into. That is not what is before us right now, it is the relocation of the tank.

Resolution #24-2023PZB brought by Doug McTyier, seconded by Walt Lender to approve the complete application for Snug Harbor Marina – Relocate Fuel Dock & add 20' – 92 Black Point Road Tax Map #150.75-3-3.000. **5 – Ayes, 0 – Nays. Carried.**

Other Business

Resolution #325-2023PZB brought by Ben Leerkes, seconded by Walt Lender to accept the Minutes from March 2, 2023. **5 – Ayes, 0 – Nays. Carried.**

A notice of Lead Agency was received by the ZBA in regards to the Town's proposed improvements to both their collection system and wastewater pollution control plant (WPCP). The board has no issues with the Town being the lead agency on this project.

Resolution #26-2023PZB brought by Ben Leerkes, seconded by Doug McTyier to adjourn at 6:37 p.m. **5 – Ayes, 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk