

**Minutes for the Ticonderoga Planning and Zoning Board meeting held on March 7, 2024,
commencing at 6:00 p.m. with a Public Hearing regarding Chilson Properties LLC
(Fireman’s Field project)**

Present: Chairman Dr. W. D. McTyier, Walt Lender, Mike Powers, Ben Leerkes, Matthew Fuller, Esq., Tonya M. Thompson, Town Clerk

Absent: Don Meserve

Others: Starr Pelerin, Colleen Bessette, Scott Tierney, Tim McDougal, Donna Wotton, Mark Wright, Peter & Lynn Reale, John Reale, Sam Berrick and Civil Eng. James Easton

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

Public Hearing

Chilson Properties LLC – NYS Route 22 (150.2-2-6.120) 4 lot subdivision w/1 lot for 60 multi-family units and +/- 6,900 sf of retail/daycare in a 3 story building; 1 lot for Town right-of-way for new road/ 1 lot for town sewer pump station; and 1 future building lot

James Easton (Civil Engineer E.P. Land Services {25 years}) gave a brief overview of the project for the public:

- Back side of Walmart
- Zoning compliant – no zoning variances
- 3 story building
- 60 multi-family apartment units
- Work-force housing – HCR – Reduced rate rental based upon your income level (not Sec 8) – this is housing where someone has to be employed and is based on income for rent (geared towards single moms, nurses aids – this is a need that the past and present governors have seen a need for, it involved tax abatement credits for the development
- Will get abatements through taxes from the state, it doesn’t impact the local community
- ‘L’ shaped and a one story wing which is proposed as retail and some intended use as a daycare facility location
- It is showing that ‘L’ on the plans right now; however, this may not be built in the first phase of the project. It really depends on the lock down of having a tenant before construction
- Typically, the time frame is a year for financing and another year for the building portion so you are looking around 3 years before landing the first tenant
- This will be behind the back of the current Walmart, there will be a vacant lot in the front running along Route 22 that will stay with Peter Reale for his future development the proposed project lot will be the 5 acres behind that, there will be a new town road and a new sewer pump station for the town to take over. These have been coordinated with the water and sewer departments for the design of the station.
- Not touching any of the existing tree line

Mr. Easton reiterated that this is NYS program – the rent is subsidized through the state and is based on each individual’s income level. The Developer is in this for the longevity of an agreed 30 year time frame with the state. The rents are based on a 50 to 80% of the average income and

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to give a price range for a two bedroom rental apartment is around \$1,200. A two bedroom market rate is around \$2,000.00. That is an \$800 difference right there. Work-force housing also applies to seniors, if you have no other expenses, no other income besides social security you can also go to this location based on that income and pay a reduced rent than what market rate is out there. Generally about 80% of the building is people that work and have children, more specifically, single mom's with a child and work at the hospital earning approximately \$40,000.00 a year or something like that and this is what the state has done for the last 10 - 15 years through this program in these communities. The Developer pays all the taxes, school and town and county, but at the State level the developer will get a refund back for the subsidized income. That agreement is for 30 years, so they can't just build this and flip it in 2 years, it is required that the developer maintain this project for 30 years. There are mechanisms in place that NYS has developed for this program to insure the longevity of the program. They are built based upon HUD requirements. You can see many of the developments such as on main street in Glens Falls, they just finished one off West Valley Road in Lake Placid; Regan Development has several others in Albany, Buffalo, Syracuse etc. This developer is invested in these properties and has a large portfolio.

Chairman McTyier inquired about the commitment to stay, so there will be no other purchaser for at least 30 years that will come in and raise rents. Answer is no – this is a fixed program.

Donna Wotton (TRA) stated that she is really excited about this project. There are a couple things that are really specific to Ticonderoga, one of them was a housing study that was done for Ticonderoga and it had some really staggering numbers on the shortage of housing here in our Town, over 800 residences that we are short she believes. She hears this every day in her work, employers can't bring people here because they do not have a place to stay. Sylvamo in particular has a lot of young people interested in a good apartment, but we just don't have that here. She is really excited about this; she has seen the Lake Placid facility and it is actually a really beautiful complex. It has an Adirondack exterior to it and you can drive by the Glens Falls one, but that one wasn't really in the same sort of design. They weren't really sensitive to the outside appearance. Also, the part of them owning it for 30 years, means that they financially have to make this work and they have to partner with the state because we don't have this housing here because no body can afford to build this type of housing here without that state partnership. This is a really important thing for our community, for the growth of our community as we are building things like the DRI and what not. We need to be able to house our seniors our young people.

Colleen Bessette (3rd Avenue) explained that her property backs right up to this project. She is directly behind the Lowes building. She is glad she heard about the interior, but her question is about the exterior and she is glad to hear that the property can't be flipped. This may not immediately relate to this topic, but if you give her a minute you will see the connection. They bought the house at 53 Third Ave three years ago and since then the fence at Lowes has been blowing down and it lays there, and lays there and lays there, it is a stockade fence and the wind comes up and they fall down and there they lay. She has tried to get a hold of the management company that takes care of Lowes so she is curious if there is going to be a management company that will be taking care of this and she thought that it was odd that you can find

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anything you want on the internet except for the things that they don't want you to know. So, she came down and inquired with the Codes Department if the Lowes Company had a management company that takes care of the building and yes, they do. The Codes Office has been wonderful, we got the name of the company, they came and repaired the fence. Now with that windstorm from last week, probably 85% of that fence is back down. Her back yard is full of blow down. There are people working on the roof of Lowes this week, she doesn't know if that is coincidence or if they got 'wind' of the fact that we had strong winds that did do damage. She is curious to see how long it is until the fence is repaired. She wants to know how this is going to be maintained as well. There is a line of trees between the houses and Walmart and one of the trees was blown over and broken off so she is curious to see how long that will remain. So, if something like that happens to this, how long will this remain. How long before someone will be there to take care of things. Will it be painted, power washed, plants and shrubbery maintained, will the outside remain presentable? Her other question is about the Day Care, will it be a licensed Day Care through the state? (Yes)

Scott Tierney lives and has property on the South end of this lot. Do you have any provisions for foot traffic to Walmart. They usually walk in that National Grid right-a-way, he has had shopping carts in his yard.

Tim McDougal lives across from the Fireman's field and his concern is the traffic issue. That intersection where he lives is the worst. He has seen many accidents there and where is the access going to be for this place?

Mr. Easton would like to address some of these concerns. The entrance for the project site obviously goes onto NYS Route 22 and 74 and this access location is where DOT wants it and they have provided us along with the Town a letter. (the access was shown on the project map) The project is about 400 to 500 feet off the road and that access is about 1000 feet from the traffic light. There has been a traffic report done as to what this project will generate and what the impact would be. Based on that study, this is where they decided the access road should be. Mr. Easton tried to explain the procedure of the study, but it is included in the Town's packet.

To talk about foot traffic, we are not proposing anything in our project. We do not control National Grid and what they would want to do on their property. Our project, due to the storm water basin being placed there and this building being elevated a little bit, it is not very conducive for foot traffic to come through here. Most people will normally walk out to NYS Route 22 and 74 and use that bike path/shoulder that is designated on the side of the road. Does he see something provisionally going straight across, yes, they could but they will get a little wet. So, to answer the question, no, but because of the way of the storm water design, he thinks people will not generally be walking in that direction.

In regard to the management question, Regan Development is unique in the part that they will have an onsite super that lives there and works there in the facility. So, if you have a problem, you can always knock on the door, and talk directly to that person. Again, the upkeep and maintenance of the property is all driven directly through the requirements of the State. If a tree falls down, you can't expect the next day someone will be right there to take care of it, but it will

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be fixed. The good thing about this development is that it is not private, there is government overseeing this for the next 30 years. He can guarantee you that this is what Regan does is have an onsite super that you can just go to the main building and talk to.

Mr. Tierney asked about the site grading; existing to proposed elevations on this South end?

Mr. Easton explained that the building on the south end is about six feet higher in elevation and what actually happens is that the storm water will be extended to the bio retention area, so all this roof drainage will either goes to the parking lot or a draining system that collects all of it and sends it to the storm water management area and then it is released back into the wetlands where there is a drainage that leads to a catch basin right between Walmart and Lowes parking lots and then sends the water directly underneath Walmart's parking lot towards McDonalds and out that way. The amount of water that is impacting that National Grid space will be much less because we are actually grabbing all of it and sending it out to the pond location. There will be no change to the elevation, it will be the same grade.

Chairman McTyier asked if there were any more comments from the public at this time. No We will be reading and working through all the documentation that has been received and recommends we leave the public hearing open.

Resolution #13-2024PZB brought by Doug McTyier, seconded by Walt Lender to leave the Public Hearing open for Chilson Properties LLC – NYS Route 22 (150.2-2-6.120) 4 lot subdivision w/1 lot for 60 multi-family units and +/- 6,900 sf of retail/daycare in a 3 story building; 1 lot for Town right-of-way for new road/ 1 lot for town sewer pump station; and 1 future building lot. **4 – Ayes. 0 – Nays. Carried.**

Mr. Leerkes asked about the storm water again, it seems that the catch basin goes into the retention ponds at Walmart.

Mr. Easton stated that the catch basin in Walmart parking lot goes to their onsite Storm water management area which is what you see. What they also did was, the stream that goes under the power lines, that is a separate independent pipe that goes directly underneath their parking lot and goes basically out to the West to a deep depression or swale. They don't want to take all that storm water from all of these houses and put it through their system, so they put a river through the parking lot and let it go into that swale. That was the stormwater regulations at the time for their facility for their impervious area only,

Mr. Leerkes noted then that this is not their water, it is National Grid's water.

Mr. Easton agreed, National Grids, all the residents on Park and Grace, that is all from them. Correct.

Mr. Leerkes noted that there are a lot of walkers on that Grid line and he doesn't see how that could be prevented. That is a long way around to go to 22. When he read the original criteria for this, that was one of the requirements to make it conducive to foot traffic.

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Mr. Easton stated that HCR would like to have a path, the easiest path or sidewalk; they would love to put all of these buildings in downtown cities where all you would need to do is walk every place, but in reality, there is no accessibility to downtown Lake Placid. So, is that a preference of choice by HCR, yes, but it is not a requirement and he will leave it that way.

Mr. Fuller noted to the board that as a PZB you have the authority to ask for that.

Mrs. Thompson also added that she spoke with Celeste from NYS DOT just Tuesday of this week and they will be supplying a letter in response to the SEQR Lead Agency notification which is going to reference a sidewalk or path from the project site to Walmart.

More discussion was held on the foot traffic.

Mr. Easton would like to wait to see what NYS DOT suggests for this path before he starts any kind of review. Obviously, he can't go onto Walmart property, but the roadway width is over 30 feet so certainly an extra path could be provided.

Chairman McTyier reminded that among all of these comments back and forth, the public sewer, where are we on that?

Mr. Easton stated obviously, we went back and forth, got the comments, did his response back to AES. There now appears to be six or seven comments out of the 50 comments that they had. The comments are almost done. In regards to the sewer capacity, what, from talking with Jennifer over at AES, was it is going to take time for them to get DEC to sign off on all the improvements that the Town has done over the years to basically say there is actual capacity at the plant. It is going to take time. With that being said, obviously, there are multiple things in his world that obviously he is concerned about in the sense of getting through the next round of HCR Funding, do I need conditional site plan approval on this project to make that submission to HCR, the answer is yes. With that being said, when talking to Jennifer over at AES, the first person that moves into this building right, if things go perfectly well is 2026, best case. She had thought that we needed something much sooner than that and he said no, we don't. Obviously, we want to have that approval and that thing done in consideration, we need to have, there is capacity there for this project, but from a, right now he doesn't need a 100% answer. Due to the fact that this project is not in a sewer district and we have to do a sewer district, there is nothing wrong with this planning board issuing conditional site plan approval and then at the Town Board, actually DEC has jurisdiction over the sewer district extension, until he has that sewer district extension, he can't put a shovel in the ground. So, there is nothing also wrong with that, so, we can have, he'll say not both ways, but we have protection if this board grants conditional site plan approval on this project so it can get funding through HCR and move through that process, which it takes nine months to do just NYS DEC and then it takes another eighteen months to build which gives us time to work that resolution out with DEC, between AES and DEC making sure there is capacity within the sewer system.

Chairman McTyier asked what happens if there is not capacity.

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Mr. Easton stated, talking to AES, they believe there is because based upon the sewer flows on their annual reports and that is the thing to look at, basically in 2021 he believes AES's report to DEC said there was three or four overflows, and in 2020 there were six or seven and in 2022 there was zero. He does not know what 2023 brought because they needed to do their report, but AES is working with DEC, but they know it is a government agency and it will take time and talking with Jennifer three weeks ago, it could take up to nine months to get back an answer out of DEC; but, because DEC has to approve and the Town Board has to approve the sewer district extension, if he doesn't get the sewer district extension, he can't do anything. It is kind of pointless.

Chairman McTyier asked if this has been brought to the Town Board yet?

Mr. Easton stated no, this is the first step of the, he will call this right now the fifty steps. Right now, he is on step two, there are fifty more to go. Typically, what happens is, after site plan approval is issued or subdivision approval is issued, based upon conditions typically, then he goes to get Town Board approval for any water or sewer district extensions, then at the same time he is doing that, he is getting all the outside agency permits for approvals. Some of this project already has some of those outside agency's approval, such as APA, NYS SHPO, DOT is already in the process of this project because we have put in the highway work permit for this project. So, all those things are moving along, but we have a lot more permits to go, a lot more things to do and it will take some time to wrap those all up. So, sewer district extension has nothing to do with this board, but certainly it is a Town Board action, but with that this board can issue conditional site plan approval based upon that condition, just like he would assume you would say in your conditional site plan approvals with most projects that any additional permits outside of our governing body you must obtain and provide a copy to this town after you have obtained that. That is typically what he sees a lot in conditional site plan approvals. He is not saying that the plans aren't done and you are not satisfied with everything on the plans before you issue conditional site plan approval, but sometimes those are some of the conditions.

Mr. Fuller asked Mr. Easton to have a discussion with this board on how he would see the board deal with SEQR with that sewer question being open.

Mr. Easton stated certainly the SEQR form notes that a sewer, that a sewer district extension is required, so it is noted in the long form for EAF as a Town Board action, but based upon, again, you are looking at adverse environmental impacts, is there an adverse environmental impact based upon, certainly, well he may have to obtain something from AES based upon their most current report that they seem, he'll say, not rosy or, they are in a positive position that what we are saying to the wastewater treatment plant for this project, there is capacity for. That is what we would need to obtain a letter. Even though DEC has the final say, we would need something in writing from AES regarding that matter to help protect this board in making sure that when you do a SEQR determination that would probably be the best surmise of that situation and they are fully aware of that for the Town. They know what the capacity is and what is going there. He thinks that is probably the best mechanism right now for this board, does the counsel confer. (No Comment)

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Mr. Leerkes asked if there was a subdivision buried in this application.

Mr. Fuller noted that there is, but it did not trigger a jurisdictional approval with this board but it is part of the site plan and special use permit.

Mr. Easton stated that he actually submitted an application and was told that he did not need to under code review.

Mr. Leerkes asked about the color code for lots on Mr. Easton's display board.

Mr. Easton stated that these are lots, the sewage pump station will be on its own separate lot and the Town highway, roadway is not really a lot, but it will be dedicated back to the Town.

Mr. Leerkes asked about the southern end in regard to foot traffic, will there be a fence or something there to prevent this?

Mr. Easton stated if the planning board so chooses to put this fence in, he has no problem, if you look at the landscaping plan you will see quite a bit of landscaping, but people can walk around trees. He is a big believer in if you put a fence up and someone wants to go through there, they are going to go through there whether you put a fence up or not. Maybe a fence with barbed wire, but people are going to go the way they want to go, even if you put barbed wire up, they are probably going to jump it, so he is not the biggest fan of fences and that is not because of cost, just because of reality. People will find ways around it.

Mr. Leerkes noted that you about the National Grid line on the southern end, he sees two whit areas on the board that are not part of this, what is that?

Mr. Easton explained that this is part of our property, but his grading limit line is not that far. That space will look the way it is right now.

Mr. Leerkes asked if National Grid's power line is owned by them or is it a right-of-way?

Mr. Easton stated that it is owned by them. We had some discussion about this, about there being a paper street on Park and we didn't go that route after some research.

Mr. Fuller explained that this would be where the Board may want to table the discussion, but for the applicants benefit of the foot traffic discussion, if the board is in favor of some sort of inter connect pedestrian wise to the Walmart property, if the applicant needs to get going on that you may want to ask them instead of waiting til the very end and get delayed again.

Mr. Lender agrees, but he would like to wait to see what DOT weighs in regarding their comments.

Mr. Fuller reiterated that this in your review, regardless of DOT.

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The board agreed. More discussion was held on a pathway.

The board also discussed prior projects that were proposed for this property and the history of DOT with the access road.

Mr. Easton ended the discussion saying that he will follow up on all the comments made tonight and do a preliminary look at a path access to Walmart.

Resolution #14-2024PZB brought by Doug McTyier, seconded by Walt Lender to table the Chilson Properties LLC – NYS Route 22 (150.2-2-6.120) 4 lot subdivision w/1 lot for 60 multi-family units and +/- 6,900 sf of retail/daycare in a 3 story building; 1 lot for Town right-of-way for new road/ 1 lot for town sewer pump station; and 1 future building lot application until April 4, 2024, at 6:00 p.m. . **4 – Ayes. 0 – Nays. Carried.**

Other Business

Resolution #15-2024PZB brought by Walt Lender, seconded by Doug McTyier to approve the Minutes from February 2, 2024. **4 – Ayes. 0 – Nays. Carried.**

Resolution #16-2024PZB brought by Walt Lender, seconded by Ben Leerkes to close the meeting at 6:55 p.m. **4 – Ayes. 0 – Nays. Carried.**