

**Minutes of the Ticonderoga Planning and Zoning Board Meeting held on February 2, 2024,  
in the Community Building Conference Room**

**Present:** Chairman Dr. W.D. McTyier, Mike Powers, Walt Lender, Attorney Matthew Fuller and Town Clerk Tonya M. Thompson.

**Absent:** Don Meserve, Ben Leerkes

**Others:** John Reale, James Easton, Shaundra Yaw, Lee Catlin, Mark Wright, Scott Tierney

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

Site Plan Review

Bondessen III – 48 Black Point Road, 24’x24’ addition to Garage

The board received a letter from the Bondessen’s asking for their application to be removed from the agenda until further notice.

The board acknowledged that request.

Special Use and Site Plan Review

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) gave a brief overview of the project:

- 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.

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- Utilizing the existing empty field, will trim a few trees in the existing right-of-way, otherwise the trees will be kept up to keep a barrier of wooded property line so they won't see this 3 story building or parking lot.

Mr. Easton explained that there is a lot of information in the board's packet

- Agricultural data statement
- Long form EAF
- Zoning Determination letter
- APA Non-Jurisdictional letter
- NYS Office of Parks, Recreation and Historical Preservation
- Architectural Elevation and Floor Plans
- Project narrative – detailed
- Traffic Control Report
- Stormwater – DEC
- Water/Sewer Report
- Wetland delineation Report
- Phase 1 Environmental Report – no contamination

DOT has shown acceptance of this location for the driveway for this project and actually recommended.

Tonight is about starting this process and typically starting this process, the board may choose to declare themselves lead agency under SEQR and all notices to involved agencies will go out and we will hear within 30 days so SEQR can be determined on this project. He actually has already notified all involved agencies, County Planning, DOT, DEC – they have been emailed all of this information back the beginning of December.

Mr. Lender noted that we have a letter from the Town Engineer and they show concerns of the capacity of the plant and the route of the sewer lines.

Chairman McTyier gave Mr. Easton a copy of the report from the Town Engineers and the Water/Wastewater Superintendent highlighting the concerns that have been recognized. (attached) This will need to be addressed, preferably before the next meeting. There may be an issue of the district that this project may or may not be in.

Mr. Easton believes that we are in a water district, but we are not in a sewer district with this project. A Town Board action will need to be done to extend the district.

**Resolution #9-2024PZB** brought by Walt Lender, seconded by Mike Powers to declare the Ticonderoga Planning and Zoning Board as Lead Agent for this project. **3 – Ayes. 0-Nays. Carried.**

Mrs. Thompson noted that she will need additional copies of the full set of plans to be physically mailed to all the involved agencies.

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Mr. Easton stated that he can get those packets done and sent up here in the next couple of weeks, but they have already received the information by email.

Mrs. Thompson stated that it is this board's process to physically send the other agencies a hard copy.

Chairman McTyier asked about the stormwater. While reading through this he saw that they were compliant, but what about all the calculations, will we see them? This is a critical issue.

Mr. Eason stated that there is a storm water report and it is available by pdf. Your Zoning Officer has this already this. In this field it basically goes into a large holding vessel, a bathtub. The bathtub holds a minimal amount of impervious water plus water that comes off from all the surrounding homes, we call it the first flush for the water quality volume and then it goes into a bioretention area that allows it to filter through it, just like a pool with its sand filter, and then it gets discharged. In higher storm events, this bathtub, there are pipes that go our and discharges. We are actually decreasing the flow from a mathematical standpoint, from this location. There is a creek that goes up towards Walmart and then makes a sharp right hand turn underneath Walmart's parking lot, then heads back towards 22 and 74. We look at the peak flow being reduced and he believes that he is in conformance which means water quality and quantity. Those are required under this stormwater permit.

Chairman McTyier made clear that the water will be less than it is now?

Mr. Easton stated yes that is corrected and it is documented in the storm water permit.

Mr. Tierney wanted to ask about this stormwater as he owns 8 acres just south of this.

Chairman McTyier interrupted to explain that the board is going to hear the project tonight and then make a resolution to hold a public hearing. At that public hearing the public will be encouraged to come and state any comments or concerns they have on this project.

**Resolution #10-2024PZB** brought by Walt Lender, seconded by Mike Powers to hold a public hearing on March 7, 2024, at 6:00 p.m. regarding 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. **3 – Aye. 0 – Nays. Carried.**

Mr. Fuller inquired if the water district was actually extended in the consolidation? We need to check into this.

Mr. Easton believes it was and he will go through all of the concerns addressed by the Town's Water/Wastewater Superintendent Derrick Fleury and AES.

Chairman McTyier asked about the open space behind the building, is it recreational property?

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Mr. Easton agreed that there is roughly 2,400 sf in back of the 'L' shape, there is a playground in it and it is defined as recreational space.

Chairman McTyier asked if the board can get answers to those concerns that were brought up in the report 10 days prior to the meeting.

Mr. Easton stated that he may not have all the answers by the next meeting in March but will do what he can.

Mr. Fuller added that this is not only going to involve this board, but there will be Town Board involvement. There is a dedication of a highway and water/sewer infrastructure and this board does not have that power. Once all your answers are provided, you will then refer it to the Town Board.

Other Business

**Resolution #11-2024PZB** brought by Walt Lender, seconded by Mike Powers to accept the minutes from January 4, 2024. **3 – Aye. 0 – Nays. Carried.**

**Resolution #12-2024PZB** brought by Walt Lender, seconded by Doug McTyier to adjourn the meeting at 6:22 p.m. **3 – Aye. 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk

# Town of Ticonderoga

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Town Council  
Dave Woods  
Joyce Cooper

Town Council  
Tom Thatcher  
Heath Towne

February 1, 2024

Mr. Dave Burrows  
Code Enforcement Officer  
Town of Ticonderoga

RE: Town of Ticonderoga  
Regan and Reale Development Mixed Use Multifamily Project  
Document Review

Dave,

Please see the attached from the Town Engineers (AES) with their comments of the Regan and Reale Development Project. I ask that you forward to the PZB as part of their review process.

I also advise a review and approval be required by my office before the PZB approves the site plan.

Please contact me with any questions or concerns.

A handwritten signature in black ink, appearing to read "D. Fleury".

Derrick Fleury  
Water/Wastewater Sup.  
Town of Ticonderoga  
518-585-7855  
tiwater@townofticonderoga.org



February 1, 2023

Mr. Dave Burrows  
Code Enforcement Officer  
Town of Ticonderoga

Mr. Derrick Fleury  
Water & Sewer Superintendent  
Town of Ticonderoga

Planning & Zoning Board  
Town of Ticonderoga

RE: Town of Ticonderoga  
Regan and Reale Development Mixed Use Multifamily Project  
Document Review

This memo constitutes a summary of the comments resulting from AES Northeast's document review performed at the request of the Town of Ticonderoga. The documents reviewed pertain to a proposed Regan and Reale Development Mixed Use Multifamily Project – (NYS Route 74-22) and consisted of (1) Project Narrative dated November 10, 2023, (2) Water and Sewer Report dated November 14, 2023, (3) Stormwater Management Report – Part 1 dated November 2, 2023, and (4) Regan and Reale Development Mixed Use Multifamily Project plans dated November 28, 2023.

#### **General Comments**

1. The Town's Water Pollution Control Plant exceeded the permitted average flow of 1.7 MGD for the year 2023, which triggers mandatory flow reduction requirements. The Town will be initiating conversations with the NYSDEC once the data has been fully analyzed. The Town may be required to restrict new connections to the sewer collection system until the matter is resolved with the NYSDEC, particularly out-of-district connections.
2. The project plans currently propose installing a length of sewer force main along NYS 22 & 74. The developer shall be responsible for all DOT review, approval, permitting, and providing a permanent utility access easement for the Town to access and maintain that portion of the force main along the state road ROW.
3. No stormwater may be discharged in a manner or location that may result in that water entering the existing combined sewer system.
4. All agency approvals and permitting are the responsibility of the developer.

## **Project Narrative**

1. 3.2 NYSDEC Environmental Mapper image does not reflect the project location.
2. 3.3 Federal Endangered and Threatened Species. This section indicates that there are no endangered species for the site, but the NYSDEC Environmental Resource Mapper and US Fish and Wildlife Service IPaC indicate that Indiana Bat and Northern Long-eared Bat, both endangered species, may be potentially affected by activities in the project area. IPaC also lists the Monarch Butterfly, an endangered species candidate. The documents in Exhibit 3 support the map results. On-site surveys and a biological assessment will likely be required to document the presence or absence of listed species.
3. 3.5 NYSOPRHP – the CRIS map shown does not reflect the project location.
4. 3.6 Agricultural District – the map from the Essex County GIS mapping does not show the project location. The referenced Agricultural Data Statement was not found in the document.
5. 3.9 Utilities
  - a. Water: Anticipated peak flow appears to be based on a 2.0 peaking factor, which seems very low for the application. What is the calculated demand based on WSFUs per the Plumbing Code?
  - b. Sewer: Peak flow should be compared to water peak flow (based on WSFUs) for reasonableness. Design sewer peak flow should be higher than design water peak flow.

## **Water and Sewer Report**

1. How many children would the daycare propose to care for at full buildout and how does that design flow rate compare to that design flow rate based on 0.1-0.2 gpd/ft<sup>2</sup> of commercial space?
2. Please clearly document where the break in ownership is proposed to occur between what the development will own and what they intend to turn over to the town. A drawing showing the extents of the Town future ownership would be preferred.
  - a. For Water – is the 8” main along the new road to be turned over to the town, but the 8” lateral from the tee connection heading into the parking area onward to be maintained by the developer/owner?
  - b. For Sewer – Will all piping from the buildings to the discharge into the PS be owned and maintained by the developer/owner? Does the Town take over from the pump station onward?
3. Proposed Sewer
  - a. The proposed sewer route has documented capacity and condition issues from Park Ave through Grace Ave and will need to be replaced to be able to accommodate additional flow. The report indicated no known capacity issues, which is not correct.
  - b. Is the developer’s intention to turn over Lot 3, which contains the proposed sewer pump station and generator, to the Town for access/ownership of the pump station?
4. Pump Station

- a. For municipal ownership, compliance with 10 States is required.
  - b. 10 States Standards requires a minimum 4" diameter force main for raw wastewater. The proposed force main is 3" and is therefore not acceptable (49.1). Also, 3" DI is difficult to source.
  - c. 10 States Standards requires pumps handling raw wastewater to be capable of passing solid spheres of at least 3" in diameter. The proposed Flygt NP 3069 has a discharge diameter of 2.5" and is therefore not acceptable (42.33).
  - d. The changes to the pump and force main will result in other design changes regarding wetwell turnover/hold time and force main velocity that will need to be addressed.
  - e. Pump station wetwell design assumes a 1 ft drawdown (between lead on and pumps off). A minimum of 3 ft of drawdown is preferred for the Town's municipal pump stations. Float levels can then be adjusted if cycle time proves to be too long.
  - f. The selected pump is too far to the left of BEP. Final pump selection should be closer to pump BEP for long term pump efficiency and durability. Also, ensure that future pump selection cut sheets indicate 208V 3ph pump motor.
5. Generator
- a. Generator shall be provided by the developer to the Owner's requirements and specifications.
  - b. The proposed Cummins diesel is an acceptable option, though the unit may have to be resized based on the pump comments above.
  - c. The generator shall be provided with a minimum 5 year service and maintenance agreement commencing upon startup, acceptance, and turn-over to the town.
  - d. The generator shall be provided with sufficient relays to communicate generator run status (generator vs. utility power) and fail to transfer status to the pump control panel and Mission remote alarm system.

**Stormwater Management Report:**

1. Page 4 and 5, Section 3.5 Peak Discharges
  - a. There seems to be an issue in labeling the watersheds for the post-development on Figure E-3 and/or Table 2. As a result, the conclusions in Section 3.6 cannot be verified and appear contradictory to what is in the Table.
  - b. Labeling mentioned above also doesn't match up with the analyses in Exhibit B (CN worksheets).
  - c. It is unusual and difficult to assess the pre- and post-development modeling when the contributing areas are different for pre- and post.
2. General modeling
  - a. The issue with labeling in Table 2 also makes assessment tough, since none of the modeling and subsequent analyses/report text uses those numbers for post-development.
3. System Design
  - a. SW detention basin fed by closed drainage system.
  - b. Low flow to bioretention area
  - c. High flow bypasses to existing wetland
  - d. Is untreated high flow water proposed to be discharged right into the wetland?
4. Bioretention Area (Drawings C-6, D-2)
  - a. How deep is the media? 2.5' is the bare minimum and increased depth would be preferred.

- b. It doesn't appear that bioretention area is designed to retain "no more than 6-in" of standing water.
  - i. Media top elevation is 303.5', surrounding berm elevation is 305.0', which is 1.5 feet of potential water pooling.
  - ii. Is there a geotextile between media and pea stone? If so, what is spec?
- c. Underdrains: do these discharge to the existing wetland?

**SWPPP**

- 1. The Narrative Report lacks sufficient detail.
  - a. For example, referring to Exhibits E.3 and Construction Drawings is inadequate for describing pre-development conditions, particularly:
    - i. critical and environmentally sensitive areas, steep slopes, wildlife habitats, etc. need to be mapped and shown
    - ii. NONE of the required information is on E.3 (Figure 2 Pre-Development Watersheds) or Drawing C-3 Existing Conditions
- 2. Erosion and Sediment Control
  - a. I do not see SWPPP drawing or E&S drawings in the plan set.
    - i. no locations of silt fence, protective fencing and signs around existing wetland, temporary stockpile sites
    - ii. need a copy of SWPPP drawing/E&S drawings to assess SWPPP and project
  - b. The references to construction drawings are not acceptable since none of the required elements appear to be identified on the construction drawings.

**Post-Construction Maintenance Plan:**

- 1. Insufficient detail provided to adequately instruct an untrained person on what to do. Provide narratives explaining what needs to be done, when it needs to be done, why it needs to be done, etc. in addition to a checklist.

**Plans:**

- 1. Sheet C-8: Sewer force main is listed as 3" SDR-21 PVC. It should be a minimum of DR-11 HDPE for open cut and DR-9 HDPE for directional drill. Pipe will need to be sized to achieve a 4" inner diameter for 10 States Standards compliance.
- 2. Sheet C-8: The force main needs to have cleanouts. At a minimum there should be a FM cleanout assembly where the force main enters "Wayne Ave" and makes a bend to head toward 74 and another one where it makes a bend to head east along 74. You should be to access any issues in the force main along Burgoyne Rd from the receiving MH end.
- 3. Sheet C-8: Developer/owner shall own and maintain all sewer from building connections to the pump station, including manholes. The proposed 6" sewer lateral is not in accordance with 10 States Standards and therefore cannot be owned or maintained by the Town.
- 4. Sheet C-8: The Town will not accept installations utilizing thrust blocks. All pipes shall be fully mechanically restrained with appropriate fittings.

5. Sheet C-8: The town will require camera inspection of the completed sewer lines to be performed with a copy of the video and inspection report turned over to the Town.
6. Sheet C-8: Water mains: Pressure tests are required to be performed with water. Air pressure testing will not be allowed. Pressure and leakage testing shall be in accordance with AWWA C600. Drawings currently indicate that compliance with city standards is required.
7. Sheet C-13: Waterline relocation should be extended beyond the proposed regrading for the driveway access to achieve 5 ft cover along entire length of pipe.
8. Sheet C-16: A sewer relocation plan and a sewer replacement plan are shown on this page. Which is proposed? I assume that relocation onto the road right of way along Mohawk Trail would be the Town's preferred option for future access for maintenance activities.
9. Sheet PS-1: Please refer to comments on the attached sheet.

Please reach out with any questions.  
Thank you,



Jennifer L. Weeks, PE  
Sr. Associate, Director of Engineering – Water Resources Group

Ec: Mark Wright, Supervisor, Town of Ticonderoga  
Tonya Thompson, Clerk, Town of Ticonderoga

