

**Minutes for the Ticonderoga Planning and Zoning Board held on March 5, 2026,
commencing at 6:00 p.m. with a Public Hearing regarding 130 The Portage**

Present: Chairman Dr. W.D. McTyier, Walt Lender, Mike Powers, Tom Jebb, Tonya M. Thompson, Clerk

Absent: Ben Leerkes

Others: Tim Fiallo, Gene Porter, Dave Burrows, Dave Woods, Laura Best, Nikki teRiele, Katie Long, Chelsea Bush, Caron & Tom Disbrow, Steve Patnode, Tanya LaFrance, Mark Moran and Geri Ruby via Go-To-Meeting

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

Site Plan Review

Walters – 6 Tin Pan Alley (150.59-8-12.2000) replace decks w/front and back porch w/ breezeway

This applicant is continuing to wait for paperwork and has again asked for the board to table his application, now until the April meeting.

Resolution #12-2026PZB brought by Walt Lender, seconded by Mike Powers to table the Walters – 6 Tin Pan Alley (150.59-8-12.2000) replace decks w/front and back porch w/ breezeway_ application until the April 2, 2026, at 6:00 p.m. **4 – Ayes, 0 – Nays. Carried.**

Porter – 259 Black Point Rd. (160.27-1-9.200) construction of elevated deck/ramp

(Packet from Neighbor Geri Ruby will accompany the application in Codes Office)

Mr. Gene Porter explained that he bought this retirement house after the passing of his wife, he moved here permanently in the log home because it has waterfront and he is a boater. There was a permit from the Lake George Park Commission for a 40 foot dock and that was put in very soon after he bought the house. When he bought the house, there was an 8' x 10' wooden deck with a railing around it down close to the water. His neighbors have fancy double docks with upper platforms on there and he thought he would like a raised deck. Being new to the area and new to the construction project he thought even though the corner of the existing deck comes up close to his neighbor's property, he thought it was grandfathered. It was there when he bought it and had been there 20 years so he thought he could just raise it up and use the same footprint putting a deck up above the existing deck. He did not properly read the building code that says that once you take a grandfathered piece of property and start doing construction, you have to get a permit, which is why we are here tonight. He started to build the frame work for a deck above the existing deck and found out that he needed a permit, was reminded of it by his neighbor and thought he knew exactly where the property line was but it was across the corner of the existing deck, so that is within three (3) feet of the property line. So, he has a permit request to take what he started to build and move it three feet to the north and complete the construction of a deck above that old one.

Chairman McTyier thanked Mr. Porter and inquired if Mrs. Ruby could hear on computer set up. (she could)

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Resolution #13-2026PZB brought by Mike Powers, seconded by Doug McTyier to determine no Public Hearing is necessary for the Porter – 259 Black Point Rd. (160.27-1-9.200) construction of elevated deck/ramp application. **4 – Ayes, 0 – Nays. Carried.**

Chairman McTyier explained the way he is interpreting this is that it was built and now a survey is done and setbacks were determined and where this was placed is encroaching on the set back. What we have is a diagram of what will be re-done. Part will be taken down and redone.

We also received a letter from Mr. Porter explaining that the plan is to remove the erroneously partially constructed deck and walkway material that encroaches into the required three foot setback from the Ruby/Porter property line and install it on the other side of the structure well back from the property line. The resulting structure will in fact observe the required three foot setback from the line as defined by the recent Ruby survey which they kindly shared with Mr. Porter.

Chairman McTyier stated that this will be rebuilt with the property setbacks. Codes will make sure that this happens.

Mark Moran stated that the south side will be about four feet to the north. Well over the three foot requirement.

Geri Ruby stated that the prior owner (Gilligans) platform - what is happening to that old one?

Chairman McTyier stated that we are reviewing this new structure and the setbacks, the actual construction will be monitored by the Code Enforcement Office.

Mrs. Ruby understands this plan.

Chairman McTyier stated that if they have a survey and you are building something and it is right in the setback, without a survey of your own how would we know. You have to go by the other persons survey. That is the logical thing to do, so there is no problems.

Mrs. Ruby asked who verifies where they need to be. (That is the Building Inspector/Codes Officer – Dave Burrows is right here at the meeting tonight hearing all of this)

The board reviewed the documents further.

Resolution #14-2026PZB brought by Walt Lender, seconded by Mike Powers determining a Negative Declaration finding minimal Environmental Impact with the Porter – 259 Black Point Rd. (160.27-1-9.200) construction of elevated deck/ramp application. **4 – Ayes, 0 – Nays. Carried.**

Resolution #15-2026PZB brought by Mike Powers, seconded by Walt Lender to declare a complete application for the Porter – 259 Black Point Rd. (160.27-1-9.200) construction of elevated deck/ramp project. **4 – Ayes, 0 – Nays. Carried.**

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Resolution #16-2026 brought by Mike Powers, seconded by Doug McTyier to approve the complete application for the Porter – 259 Black Point Rd. (160.27-1-9.200) construction of elevated deck/ramp project. **4 – Ayes, 0 – Nays. Carried.**

Mrs. Ruby wanted to express that Mr. Porter is our dear neighbor and we know him very well and we just want him to be safe and don't want him to get injured in anyway. We hope that this is properly constructed.

Chairman McTyier agreed and the information that was provided clearly stated this and we appreciate it. Site Plan has been approved and the Building Inspector will be watching this project closely.

Holmes – 281 Black Point Rd. (160.27-1-11.000) repair old deck/stairs & add pergola

- Repair of existing Deck and Stairs
- New Piers 2.8 Pressure Treated posts, 4x6 posts
- New Pergola

Resolution #17-2026PZB brought by Doug McTyier, seconded by Walt Lender to declare no Public Hearing is needed for this application for Holmes – 281 Black Point Rd. (160.27-1-11.000) repair old deck/stairs & add pergola. **4 – Ayes, 0 – Nays. Carried.**

The board further reviewed the application.

Resolution #18-2026PZB brought by Tom Jebb, seconded by Walt Lender to determine a negative declaration with minimal environmental impact for this application for Holmes – 281 Black Point Rd. (160.27-1-11.000) repair old deck/stairs & add pergola. **4 – Ayes, 0 – Nays. Carried.**

Resolution #19-2026PZB brought by Doug McTyier, seconded by Mike Powers to declare a complete application for this application for Holmes – 281 Black Point Rd. (160.27-1-11.000) repair old deck/stairs & add pergola. **4 – Ayes, 0 – Nays. Carried.**

Resolution #20-2026PZB brought by Doug McTyier, seconded by Tom Jebb to approve the complete application for the Holmes – 281 Black Point Rd. (160.27-1-11.000) repair old deck/stairs & add pergola project. **4 – Ayes, 0 – Nays. Carried.**

Public Hearing & Site Plan Review

NRDC – 130 The Portage (150.51-6-12.200) subdivide lot into 4 single family cross-mod homes

Mr. Powers wanted to start this hearing by mentioning that it had been suggested that he should recuse himself from this review because his daughter happened to purchase a property from the applicant up in Lewis. After speaking with counsel, they agreed that there is no need for him to recuse himself.

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Chairman McTyier opened the public hearing.

Tim Fiallo is a property owner next door to this project. The information that went out about this was like, he was under the impression at the auction that he put in a bid for and then the Town gifted it to this land bank corporation, so being that the Town owned it, he did his homework, the Town is able to do that. He is trying to accept the fact that he was told Mark Wright was on the Planning Board which seemed shady to him, and that kind of had him upset so he did his homework to try to understand what was really going on. The issues or his main concerns are that you have four homes crammed into this little lot. The water infrastructure isn't there yet, prior to what has been done on the property, without the knowledge of him purchasing his home, the amount of water that is coming off from that property washes under his house every spring. He is dealing with this much water and mold that he has to clean up every year. He is hoping that there is a decent environmental impact plan that will take care of this. You have debris that is in this property, such as the Japanese invasive weeds and whatever else was put in there, they put in a drainage system and because this is all clay it doesn't work, it goes into his back yard. So, he doesn't know if all of this stuff has been taken into concept because now you have four homes with twice the amount of roof coverage that are going to add to this water problem, which water rolls down hill and it becomes his problem, he does not know if there is a water plan that has been put in place. Are these homes being sold individually, or are they going to be rented out, if they are going to be rented out, is this going to be low subsidized income housing are they going to be Section 8, nothing against people that are getting Section 8 for help, we just got rid of drug dealers that were two houses down and it took them forever to get them out of there and he is not knocking anybody in any way shape or form, you go with that subsidized housing and bring in that lower income, Section 8 people, if you are not selling these houses individually, it is just inviting more of it to come in. He wouldn't want that next to him, he wouldn't want it next to you or any of his other neighbors that are here tonight. We just got rid of that problem. The other problem is, these are mod homes, every one of these homes have a metal frame, they depreciate value, they are going to depreciate value of all the homes surrounding it, has any of that been taken into consideration? His house has gone up and gone down, you watch the second those houses go in the depreciation of those models are going to knock the price of his house down because they will never go back up, even if you sell them individually. So, these are concerns that the public should be aware of. He sent an email to the Land Bank and he never heard anything back from them, back in November. Nothing. So with his prior concerns he asked them to buy him out, because he doesn't want to live next to that, he moved here to be in a nice community to support this area, he works for the Town of Hague, he has property there, bad separation and couldn't afford to build a house so he moved here. His concerns is, if you are going to rent them out, what is going to happen with the tax roll, is that.....

Chairman McTyier stated that has nothing to do with this site plan.

Mr. Fiallo knows this but he has concerns that he does not think the public is aware of. He sees groups in there, coming in and doing their surveys and that brings a concern to him being a neighbor. These are concerns just for the local residents and he is curious if the board has actually taken this into consideration? These are important questions; these are questions that are going to keep your community here. He does not want the drug scene with the kids; he was playing ball with Steve's grandchildren next door, helping to keep the kids occupied and do

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something with them and he doesn't want to see this turn into something that is going to be neglected later on in life because of Section 8 housing. If you are going to put in Section 8 housing, do you plan on putting up a 14' wall around the entire property to keep it locked in? He has a lot of questions. Thank you.

Chairman McTyier stated that we are going to let the other people comment and the developer can respond if they want. He also wanted to announce to the public that it is against the law to do a development and create more water run-off than there was before. You cannot do that. So, there must be an engineered design to do that.

Tanya Lafrance read her prepared statement. Good evening members of the Ticonderoga Zoning and Planning Board.

My name is Tanya LaFrance, and I live near the property located at 130 The Portage. Thank you for allowing me to speak tonight regarding the proposed subdivision of this parcel into four single-family residential lots for CrossMod homes.

I would like to begin by saying that I am not opposed to development of this property. I am fully aware of the need for housing in our community. However, my concern is whether the scale and density of this proposal are appropriate for a parcel of this size and for this neighborhood.

The property in question is approximately 0.58 acres, (for years it was .58 – now it is .60) or about 25,000 square feet total. Dividing that into four residential lots would result in parcels of roughly 6,300 square feet each, and that is before accounting for setbacks, driveways, utilities, drainage areas, and other requirements. Once those are factored in, the actual usable space becomes even smaller.

For perspective, the entire parcel is less than half the size of a football field, yet the proposal would place four homes, four driveways, and all supporting infrastructure within that area. I respectfully ask the board to consider whether that density is truly consistent with the development pattern along The Portage.

The Portage itself is historically significant, as it traces the original portage route used during the French and Indian War between nearby waterways and the area surrounding Fort Ticonderoga. The homes along this street reflect that long-standing historical character, which many residents value and work to preserve. (Our houses are stick built)

My second concern is neighborhood compatibility and property values. The surrounding homes in this area generally sit on larger lots with more spacing between houses, which contributes to the character and stability of the neighborhood. Many homes are traditionally built and representative of the historical significance of the area. Introducing four cross mod homes on this single parcel could significantly change that pattern and may have unintended impacts on nearby property values.

Third, I believe infrastructure and drainage deserve careful consideration. Increasing the number of homes on a parcel also increases impervious surfaces such as roofs and driveways, which can alter natural drainage patterns and potentially affect neighboring properties. Additionally, installing utilities and providing driveway access for four separate homes on a parcel of this size raises questions regarding water, sewer, road access, and overall infrastructure capacity.

Because of these concerns, I respectfully ask the board to carefully review whether four lots on a 0.58-acre parcel truly meet the intent of the town's zoning standards and neighborhood development patterns.

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I would also respectfully ask the applicant to clarify several points for the record:

- What will the final lot size of each parcel be after subdivision?
- Will each lot fully meet the town's minimum lot size, frontage, and setback requirements?
- Has a stormwater or drainage evaluation been completed to ensure this development will not impact surrounding properties?

Even if a proposal technically meets minimum zoning requirements, the Planning Board still has the responsibility to determine whether the subdivision is appropriate for the site and compatible with the surrounding neighborhood.

Planning decisions like this shape the future of our community. Given the size of this parcel and the number of homes proposed, I respectfully ask the board to take the time necessary to ensure that all zoning standards, infrastructure considerations, and neighborhood compatibility factors have been thoroughly evaluated before approving a subdivision of this scale.

At the end of the day, the question is whether four homes on less than six-tenths of an acre is truly appropriate for this neighborhood and consistent with the character of The Portage.

In closing, I respectfully stand against this subdivision as currently proposed. Thank you for your time and consideration.

(A petition was presented – will be on file with the Codes Office with the Application – copies were sent to all Planning and Zoning board members)

Steve Patnode noted that this is the first time in years that he has been in front of this board, he has lived at his home for 31 years. His first thing that he would like to say is why since he has been there and has owned this property, now he has two stakes inside of his own property that says that now he is going to lose his fence. That just happened to be the first thing. The second thing is what is going to happen with the fence and what do you propose to do with the fence after you claim this property that I may have to fight for since he has been there for 31 years, and it has gotten knocked down by other people and everything already. He has already looked at the plans and is very knowledgeable of all the setbacks and it meets the requirements. The next thing is was the storm drain and water installed to handle the four homes. He is kind of against it, but he is not because he has always been willing to help Ti get development for places, but we have been through an awful lot the last three or four, five years and he has lived there through the burnt house, tried to get it down, took four or five years to come up with the money to get it down so his greatest issue same with Tanya is all the stuff that was dumped in the ground and all of that. What is that going to do to affect the neighbors, he was there when he was throwing the asbestos out and he got it in his throat and that was seven years ago, Mr. Thompson who owned the lot at the time. Now he is worried about Tom and all the people that live down the road with all their kids, once they dig they dig this all up and it goes in their basements and down the gut that is in the back of the houses that have been there all the time that he has lived there and now you also have 25 feet of rock, fill, junk that the last corporation put in there. Stake marks from these people, which are fine but, everything that was behind that was never there before this started. The mess that is down there right now is phenomenal, what is under the ground, the stuff that has been dumped and preserved in there. He hates to be the bad guy, but he has watched it, he has been retired for four years and watched what happened to the lot. His whole concern is the neighbors and the kids, once you start digging that up the fuel, any of the sewer

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the asbestos that was dumped in there, he watched it, seen it pictured it, he just wants these people to know that he is not against the project, he just wants it properly taken care of. He wants the storm water drainage be fixed so it doesn't go down into Mr. & Mrs. Rich's yard or down Battery Street, where he doesn't know how many kids are running around down there now. That is his concern. He is not against building these things, but there is going to be four homes crammed into one place. That is what we all want to make acknowledged, because there are only a few of us that really knows about this. He just found out a month ago about it. Sometimes he doesn't get the paper out of the mailbox every month, so. That is basically it.

Chairman McTyier stated that the setbacks and the storm water, that is why we are here.

Mr. Patnode watched three or four agencies survey that property this summer; the last people put a pin inside his property line and he understands that, but he has been paying taxes on the other pins all of these years; they just moved his whole property line.

Chairman McTyier would like to comment on that, the surveyors, you don't know what they are marking. They use spots.

Mr. Patnode understands that and maybe he will get a letter from the company or whatever because he had a rough time and he is not up to giving anyone a rough time, he just wants to make sure that everything is up to code.

Chelsea Bush from Beardsley Eng. And she has been working with the Land Bank on this development. The Land Bank is proposing a four lot subdivision of this property on The Portage. It is zoned for high density residential and we are meeting the lot requirements of the zoning code, including the setbacks. We made the effort through the layout of the homes and the shared driveway to provide similar setbacks as the other houses along the street, side setbacks that would allow for us to swail along the property line for proper drainage.

Chairman McTyier asked if there were calculations for all of that.

Ms. Bush stated that they have not run a stormwater model for it, but based on their experience on similar properties, especially with underlying clay, they tend to have a high existing runoff anyways. That is certainly something that we can provide. In general, we are proposing four single family homes, which will be sold individually.

Mr. Lender asked if these are four independent lots that will be owned by four separate individuals.

Ms. Bush agreed that this is correct and there will be reciprocal easements on the driveway. Utilities will run along the shared driveway and those will be included in the easement.

Mr. Fiallo stated that if they are individual, the question is, you will have a half inch water main that is coming in along with the sewer? Is the Land Survey going to pick up that tab, are you including that in the homes or is that going to fall back on the taxpayer.

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Chairman McTyier stated that this is time for them to explain.

Ms. Bush stated that they will have shared six inch sanitary sewer that comes up along the shared driveway and a shared water main that will then branch off to the four properties.

Chairman McTyier asked about the concerns on the property, he knows that there was an old house there, has there been any testing been done on the ground?

Ms. Bush stated that they have not done anything like that, but she will mention that the homes are going to be on shallow foundations, slab on grade, so really on this property we are cutting topsoil off the top and we will balance out the grading so, we are actually raising up the site and there won't be a ton of excavation outside of the utility corridors.

Chairman McTyier stated that the square footage changed on the lot?

Mr. Patnode explained that a little bit of his property line has been taken since he has seen the paperwork.

Ms. LaFrance stated that the property in question was .58 of an acre approximately 25,000 square feet total. Half the size of a football field. When she looked this up, it was .58 of an acre until the purchase or the gift to them, that then changes to where it is now .60. There is a discrepancy.

Ms. Bush believes that in their application it has the square footage.

Chairman McTyier asked what the minimum lot size is in this high density residential area.

Ms. Bush stated 5,000 square feet.

Chairman McTyier asked if this was well within the requirements.

Dave Burrows stated yes, with municipal water and sewer the minimal requirement is 5,000 square feet a lot and for four lots that is 20,000 square feet and you have an additional 5,000 and that was with the .58 of an acres. So, .60 it just increases that slightly.

Mr. Patnode started to speak and Chairman McTyier interrupted.

Chairman McTyier stated that you can't just speak out, we believe we have heard your concerns, correct?

Mr. Patnode stated that his concern is that the two tents of an acres to make this .60 is the property that is already marked by his fence line and is inside the marks and it is on.....

Chairman McTyier stated if there is a discrepancy with their survey, you will have to have a survey.

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Mr. Patnode stated that he doesn't understand this, but he has already had the fence knocked down twice...(inaudible)

Nikki teRiele wanted to clarify that this is not Section 8 housing. It is affordable workforce housing. So, we are going to use the term AMI (Area Medium Income). This is meant for workforce housing, this is meant for people that want to downsize into a smaller home, which would open up a larger home for families. The AMI is what they classify – there is low, moderate, high in Section 8 – this is not Section 8, this is a couple that work at the mill, teachers, those are the people that can purchase these. The price is the subsidy, that is the cost, because it will be sold at a lower cost than what the surrounding homes will be sold as. That is where the word subsidy comes in. It doesn't mean Section 8, and the properties will be sold with extreme deed restrictions that will never leave these properties. They are enforceable by law, that means that they have to maintain the property, they have to follow certain variances, and if they don't then there are repercussions.

Mr. Lender asked that these deed restrictions will be attached to each individual lot. For perpetuity. (Yes)

Tom Disbrow asked about the traffic.

Ms. Bush stated that we have not done any studies because we are not asking for anything different than what is already in that area for high density residential. We have provided parking in the lots.

Caron Disbrow asked if there was restrictions in regards to fire potential and if an individual could come in and buy all four of these homes and then rent them.

Mrs. teRiele again noted that this could not happen, the deed has restrictions, there can be no short term rentals, there is no rentals, you have to be primary residents and should they sell, the Land Bank has the first option to take them back so that it stays in compliance. We are all community members, she lives next door to some shady places too and she understands the concerns. That is not what we are putting in place. We want to make sure that when our kids go to college, we want them to come back, we want them to work here, we want them to have safe housing to purchase.

Mr. Fiallo asked if the depreciation value of these homes is known.

Mrs. teRiele stated that they do not depreciate. They are not classified as mobile homes. They are on foundation slabs.

Mr. Fiallo noted that it was said that the property was going to be built up, his concern is that water.

Mrs. teRiele stated that they would make sure that this is not going to happen. (Inaudible)

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Resolution #21-2026PZB brought by Doug McTyier, seconded by Walt Lender to close the Public Hearing for the NRDC – 130 The Portage (150.51-6-12.200) subdivide lot into 4 single family cross-mod homes application. **4 – Ayes, 0 – Nays. Carried.**

Chairman McTyier wanted to state the two things that he is hearing and there are concerns are
#1. Storm Water – we need to make sure that is controlled and we have to have something to show that.
#2. Even if you are doing a slab, you still need a pretty deep shoulder, so something to show a soil test.

Mr. Lender continued further with the storm water, he would really like to see a full work up on the map of storm water that is projected or generated by the amount of impervious surface that you are creating and then possibly have an engineer review that. It is four lots now, it is not just one residential lot, he does not know that we are qualified to review that storm water.

Chairman McTyier asked how much more of impervious surface will be there from the old house that was there before, the net increase.

Mr. Lender agreed and the driveways too, as that will count as impervious surface. Also, for the testing – it should be to the depth of what the deepest part of the foundation will be.

Ms. Bush clarified that you are looking for not just a test pit, visual observation but a like some sort of

Mr. Lender believes that it should be a sent away test. The reason for the stormwater testing is that we know there have been issues in that area that go all the way down to the LaChute that have been problematic over the years. In fact, a fairly sizable grant was received to put in some sort of stormwater device that brings the water into the park, so to add more storm water to that already problematic area would be irresponsible on our part. It is problematic and we know it; the Town is trying to do more storm water separation from the sewer system because it has been overwhelming the system during storms so we do not want to create something to make that more problematic.

Mr. Powers asked about a six inch lateral to a four lot subdivision, is that enough?

Ms. Bush stated that the application has been forwarded to the Water/Wastewater Superintendent and it has been signed off by him. Could we get a copy of that deed, not that we need it, but he would like to look at that.

Mrs. teRiele stated that she can provide a copy of the deed with the restrictions.

Mr. Lender feels this covers most of the points that were brought forward.

Mr. Disbrow asked if there will be a bunch of holes punched in that soil, or just one.

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Chairman McTyier noted that the environmental people know what they are doing and where they need to go.

The Planning and Zoning Board will leave this application for Site Plan open until the next meeting to see if the reports can be submitted and reviewed by then.

Resolution #22-2026PZB brought by Mike Powers, seconded by Tom Jebb to accept the minutes from February 5, 2026. **4 – Ayes, 0 – Nays. Carried.**

Mr. Powers would like to make Mr. Lender aware of the brief discussion held at the last meeting, he feels there should be a moratorium on short term rentals. He does not have anything to pursue tonight but would like to keep this in front of the board.

Resolution #23-2026PZB brought by Walt Lender, seconded by Doug McTyier to adjourn at 7:00 p.m. **4 – Ayes, 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk