

**Minutes for the Ticonderoga Planning and Zoning Board commencing at 6:00 p.m. on
Thursday, September 3, 2026, with a Public Hearing regarding the Site Plan for the
Ticonderoga Fire House**

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

Others: Ross Kelley, Matt Napierala (Napierala Consulting), Jason Parent, Samantha
Brian & Michael Ledger, Joe & Katie Cyphers, Tom Hardy, Jamie Easton (Civil Engineer for
Regan Development) Attendance via Go-To-Meeting Robert Schoeninger and Sherry

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

Site Plan Review

Schoeninger – 8 Virginias Path (150.59-8-7.100) – 2 Bedroom Cabin

- Vacant lot
- 2 bedroom cabin
- LGPC permit received
- Meets all setback
- Town water/sewer connection

Resolution #91-2026PZB brought by Doug McTyier, seconded by Walt Lender to declare no
Public Hearing is necessary for the Schoeninger – 8 Virginias Path (150.59-8-7.100) – 2
Bedroom Cabin application. **5 – Aye, 0 – Nays. Carried.**

Resolution #92-2026PZB brought by Mike Powers, seconded by Doug McTyier to declare
minimal environmental impact for the Schoeninger – 8 Virginias Path (150.59-8-7.100) – 2
Bedroom Cabin application. **5 – Aye, 0 – Nays. Carried.**

Resolution #93-2026PZB brought by Walt Lender, seconded by Mike Powers to declare a
complete application for the Schoeninger – 8 Virginias Path (150.59-8-7.100) – 2 Bedroom
Cabin project. **5 – Aye, 0 – Nays. Carried.**

Resolution #94-2026PZB brought by Doug McTyier, seconded by Ben Leerkes to approve the
Schoeninger – 8 Virginias Path (150.59-8-7.100) – 2 Bedroom Cabin application. **5 – Aye, 0 –
Nays. Carried.**

Public Hearing

Ticonderoga Fire Department – 60 Montcalm Street (150.43-5-5.002) Demo of existing fire
station & construction of a new 12,200 square foot fire station & 3,400 square foot garage w/
new parking lots, necessary utilities, etc.

Matt Napiierala, P.E. went over a brief description of the project – much more explanation was at
the August meeting. This is a phased approach with the utility building going up before the
construction of the 5 bay, 12,200 square foot building. This will serve today's needs and future
needs. The layout and grades are on the map, full water and sanitary hook up to municipal

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infrastructure. Hope to get this garage building up before winter and demo through the winter in order to begin construction in the spring.

No one from the public commented.

Resolution #95-2026PZB brought by Walt Lender, seconded by Mike Powers to close the public hearing for the Ticonderoga Fire Department – 60 Montcalm Street (150.43-5-5.002) Demo of existing fire station & construction of a new 12,2000 square foot fire station & 3,400 square foot garage w/ new parking lots, necessary utilities, etc application at 6:12 p.m. **5 – Aye, 0 – Nays. Carried.**

Mr. Powers stated that that this is taking one building out and replacing with two buildings; the total square footage is less than the existing structure and the impervious surface is going to be even less now. He will bring the following resolution of no significant impact.

Resolution #96-2026PZB brought by Mike Powers, seconded by Walt Lender to declare no significant impact on the Short E.A.F. form for the Ticonderoga Fire Department – 60 Montcalm Street (150.43-5-5.002) Demo of existing fire station & construction of a new 12,2000 square foot fire station & 3,400 square foot garage w/ new parking lots, necessary utilities, etc application at 6:12 p.m. **5 – Aye, 0 – Nays. Carried.**

Chairman McTyier noted that we have gone through the majority of this at past meetings, he asked the board if they had any additional comments or concerns.

Mr. Powers asked about the primary public entrance to this building? Is it facing Montcalm or Schuyler side?

Mr. Napierala stated that the public entry is more toward the Schuyler Street side but pointing towards the Convenience store area, it will go right into the community room space. There are some challenges to the grade work we will do to get in there for a full ramp to access the room.

Mr. Leerkes asked if this will continue to be the Town's polling site, there appears to be reduced parking.

Mr. Parent stated that they are planning to continue being a voting site, there will be a much better area for parking than there is now.

Resolution #97-2026PZB brought by Doug McTyier, seconded by Ben Leerkes to declare a complete application for the Ticonderoga Fire Department – 60 Montcalm Street (150.43-5-5.002) Demo of existing fire station & construction of a new 12,2000 square foot fire station & 3,400 square foot garage w/ new parking lots, necessary utilities, etc. project. at 6:12 p.m. **5 – Aye, 0 – Nays. Carried.**

Mr. Powers noted that this has been a project that has been in the works for a long time.

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Resolution #98-2026PZB brought by Ben Leerkes, seconded by Mike Powers to approve the complete application for the Ticonderoga Fire Department – 60 Montcalm Street (150.43-5-5.002) Demo of existing fire station & construction of a new 12,2000 square foot fire station & 3,400 square foot garage w/ new parking lots, necessary utilities, etc. project. at 6:12 p.m. **5 – Aye, 0 – Nays. Carried.**

Regan Development – NYS Route 22 & 74 (150.2-3-120) 60 Multi-family units & +/- 6,900 square feet of retail/daycare in a 3 story building Jamie Easton – Civil Engineer for the project

Jamie Easton, Civil Engineer for the project explained that it involves a 60 unit multi-family housing behind Walmart with approximately 6,000 square feet of retail space and two (2) years ago he was here in front of this board and the board gave a conditional Site Plan approval and one of those conditions in the conditional Site Plan Approval was that we needed to obtain a sewer district extension by the Town Board before we could start construction. There are a couple of other little things in there like getting the rest of the permits and to make sure the sidewalk to the Walmart property is ADA compliant, those were a couple of the conditions. So, over those last two (2) years the HCR process is an annual submission with the NYS Housing and Community Renewal program so the applicant two (2) years ago made an application and that application was denied and last fall we put another in and this spring we found out that it was awarded by NYS, so, over the last 6 months – since March – we have been more focused in on this project, trying to wrap it up with every thing else that we needed to do so that construction can begin. Obviously, one of the conditions for a timing standpoint is that this board put the condition in that said get the sewer district extension done and approved by the Town Board before you can put a shovel in the ground, basically. Tonight we are seeking to amend that condition so we can actually put a shovel in the ground and start construction in approximately three (3) to four (4) weeks. So, we can basically start construction, especially foundation work before winter conditions kick in and then we have really a construction cost expenditure associated with winter conditions on the site. Why did it take us so long to get to the sewer district extension? DEC, approximately two weeks ago, finally issued the permit on the project. It has taken them approximately 18 months to approve the project, due to the sewer generator, some of this had to do with the CSO offset with some other information that they wanted, some of the information that they wanted the Town didn't have, the record drawings, survey stuff and some of it had to do with DEC asking for additional information. So, we received that about two (2) weeks ago, so that puts us a little behind with the formal application to the Town Board for the sewer district extension, but the sewer district extension from a construction standpoint, or from a building standpoint, it will take us about 15 months to construct the project, there will be no one in that building for 15 months, we are not generating any sewer that is associated with the project, that will allow the Town Board to do the formal sewer district extension, then we also have to do all the formal adoption of the Town roadway, the sewer extension, the water line, all of those things need to be adopted anyhow before we can put a person in the building. So, today we are just really asking for this board to consider amending the previous condition of, that we have to go obtain a sewer district extension, basically get that requirement off and basically allow us to start construction as soon as possible, but we will have a sewer district extension done before the CO or TCO is issued on the project.

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That is it in a nutshell where we are at, there is another action item on this letter that was submitted a couple weeks ago, that was the naming of the street. Does this board do this?

Mrs. Thompson stated that she has it, this board does not do that.

Mr. Easton stated ok, he wasn't sure. This is where we are at. That is the consideration that this board can consider if they want to do it, that is fine, if not, then the construction will be severely delayed just do to the time factor of the sewer district extension process through the Town board where we have to notify people of the Public Hearing before we can adopt and that is probably a three to four month time period and because of that, that really puts us behind the NYS HCR because once that contract is established with HCR they basically want construction to begin immediately after that point, but that is a situation that the developer will need to deal with, not you, but he is here to ask to take that one stipulation off understanding that it will be done, the sewer district extension before anyone moves in.

Chairman McTyier asked about a special bond or financial commitment.

Mr. Easton stated that the CSO is a separate project that we kind of talked about previously where because the project is generating new sewer and it is going into your system, under dry weather conditions (it is not raining) your sewer system functions just fine, when you get a heavy rain, you get an overflow and that overflow then goes into the river. DEC doesn't like that and what he has to do is say, well, we are putting this much normally dry weather flow in and now he has to take wet weather flow off the CSO which means he has to take the storm water from the CSO system. We picked basically Champlain, just down the road here, that is where we picked a location to separate the sewer from the storm water and that allows the Town the ability to connect to that in the future because we are upsizing those pipes. The Bond has to do with that project. Under that project, he knows the attorney representing Regan Development gave Mr. Fuller (Town Attorney) some information on that, but part of that project, the applicant actually has a grant to cover half of that cost. So, basically the half million dollar project, half of that amount money is covered by the grant, the other half is covered by the developer. In regards to that bond amount, he does not know that is between the attorneys. We know that we have to do it legally, we know that it is a requirement, he knows that there is an agreement in place, but he knows that the attorneys are working back and forth on that. With that being said, it is a requirement, whether we post a bond or provide a letter of credit, we can't put anybody in the building without doing the CSO project. DEC wouldn't allow it as part of the permit and the Town is certainly never going to issue a CO or a TCO on a project that is not complete. No matter what, we have to build, he understands the Town may want insurances and make sure the money is sitting in a pot, whatever, but he can tell you right now, half is covered by a grant, the other half is covered by the developer.

Mr. Lender wants to come back to the sewer district extension, what gives you the confidence that this will happen, that this district will be formed?

Mr. Easton stated typically in his 25 years of experience, typically sewer districts, when an application goes in, certainly with a Map, Plan and Report, there is no reason for it to be denied.

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In his history of 25 years working with 200 municipalities and doing sewer district extensions probably 150 times, there has never been a time where the Town, after going through Site Plan Approval, whether a subdivision, whatever, the engineering is all done, you have it all set, the community itself never says, at least the Town Board, he has never seen it say, that great, we are not allowing a sewer district extension because you proved, map wise, engineering wise, permit wise that needs to be done. A district extension, it is more for a taxing standpoint that it needs to be done so it is part of a sewer district to collect taxes from a legal standpoint.

Mr. Lender understands that; this also speaks to the capacity of the plant. He does not believe our Town Board would go ahead and extend our sewer district to include the 60 units if the capacity of the plant couldn't handle that. We have no way of knowing whether, without seeing the engineering, flow data or anything like that...

Mr. Easton stated that the report was previously issued, there was a water and sewer report, but obviously DEC wanted some minor tweaks to that report, which he did over the last 18 months. The plant has capacity, DEC wouldn't issue a permit if it didn't have the capacity. So that is the first thing he will say on this. DEC would never issue a permit and then say you need to make upgrades to that facility; they wouldn't issue a permit. That is your protection right there. You also have AES who reviewed all of the information for the sewer the sewer report from SEQR standpoint, from a Site standpoint, making sure that the project generated whatever sewer was generated that there was capacity at the plant. The plant actually has plenty of capacity under dry weather conditions.....

Mr. Lender stated we know that, it is the combined sewer overflow....

Mr. Easton stated that is correct and why we have a CSO separation project requirement, to offset that. So that is part of the project, so there is not a plant capacity, there is plenty of plant capacity, it is just a question of how much storm water, as future projects happen to this town, how much storm water do you need to pull off from the system so that pure raw sewer can be treated at the plant, that is all.

Chairman McTyier has some other concerns, he was here two years ago and he feels at this time, that we are repeating ourselves now. We went ahead and did the conditional final whatever, with those conditions and here we are again... he feels very uncomfortable making a change to something that we were so concerned about two years ago. He is looking at this from a board perspective; he feels very uncomfortable making that change.

Mr. Powers agrees, we did this, ok, he understands that you didn't get the grant, but it seems like a lot of this paperwork could have been taken care of then instead of waiting... this feels very last minute. He agrees, he is very uncomfortable making a change to that initial decision.

Mr. Lender agrees and believes this was a very well thought out decision on our part and we were very comfortable and careful about making it and he stands on that original decision with the conditions. He does not feel a need to change that.

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Mr. Leerkes would like to know if there is a sunset on that grant, where if you don't get it done by a certain time that you lose that?

Mr. Easton would have to take a look, there is typically one to two years, there is a certain time period with them and he doesn't know if there is a two year time period or....

Mr. Leerkes stated that this is not one of your concerns then? Answer was no.

Mr. Jebb was not here, and he is sympathetic but if you folks feel like you deliberated this pretty earnestly back in 2024 then he totally understands.

The board agreed, they did several months of work on this application.

Resolution #99-2026PZB brought by Doug McTyier, seconded by Mike Powers to uphold the original conditions as set forth in Resolution #75-2024PZB. (see below) **5 – Aye, 0 – Nays. Carried.**

**PLANNING AND ZONING BOARD OF THE TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK**

Resolution No. 75 of 2024PZB
Adopted October 17, 2024

Introduced by Dr. W.D. McTyier
who moved its adoption

Seconded by Walt Lender

Resolution Granting Conditional Site Plan and Special Use Permit Approval
For Application of Regan Development Corp.

Whereas, Regan Development Corp. (the "Applicant") has applied to the Town of Ticonderoga Planning and Zoning Board (the "Board"), for subdivision, site plan and special use permit approvals for the proposed construction of a mixed use development consisting of 60 dwelling units, approximately 6,900 square feet of retail space, on a 9.8 acre parcel of land located off NYS Route 22 and 74 in the Town on tax map parcel 150.2-2-6.120 (the "Project"); and

Whereas, the Project includes improvements for drinking water distribution and sanitary sewer service which the Applicant intends to connect to the Town's water and sewer systems, respectively; and

Whereas, the Property is located in a Town water district, it is not located in a Town sewer district, and will require an extension of the sewer district; and

Whereas, after months of hearings and submissions, and the Applicant and its engineers working with Town engineers and staff, the applicant has proposed that the Board issue a

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conditioned negative declaration pursuant to SEQRA, as the Applicant will be required, in order to extend sewer service to the Property, to undertake certain offsite improvements that have not yet been finalized; and

Whereas, the Applicant and the Board have worked through all other site plan and special use permit impacts including water, traffic, lighting, pedestrian access, recreational provisions, and other similar matters required for the review of matters such as the Project; and

Whereas, the Board previously adopted a conditional negative declaration pursuant to SEQRA; and

Whereas, the Board is prepared to grant conditional site plan and special use permit approval as set forth below.

Now, therefore, be it:

Resolved, that the Board confirms and adopts the conditional negative declaration previously published and disseminated to the involved agencies; and be it further

Resolved, that the Board hereby grants conditional site plan and special use permit approval for the Project with no final approval being granted until the following conditions have been met:

- 1.
2. Pursuant to the Conditional Negative Declaration, the applicant must apply for and obtain from the Town Board an extension to the Town's sewer district for the property included in the Project, whereby as part of such extension, the applicant will deposit a sum with the Town sufficient to pay for an I&I reduction or removal project, in a form and substance acceptable to the Town Board. This condition will mitigate the impact the project may have to the Town's sanitary sewer system;
3. The applicant shall satisfy all application requirements and approvals for connection to the Town's drinking water system;
4. The Project shall include a constructed pedestrian access, ADA compliant, for connection to adjoining WalMart facilities;
5. The applicant shall provide to the Town any and all applicable permits needed for the project to move forward to include but not limited to, NYS DOT approval, NYS DOH approval and NYS DEC approval.

; and be it further

Resolved, that no certificate of occupancy shall be issued until such time as the Town Board has accepted full dedication of any water and sewer infrastructure, in form and substance acceptable to the Town Board; and be it further

Resolved, that in the event any conditions of this approval are not met, or the Project is not constructed in strict conformity with the plans and specifications as submitted to this Board, no certificate of occupancy shall be issued, and any deviation from said plans and specifications shall require Board approval.

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Dated: October 17, 2024

Mr. Easton thanked the board for its consideration.

Other Business

Resolution #100-2026PZB brought by Mike Powers, seconded by Ben Leerkes accepting the minutes from the August 6, 2026, Planning and Zoning Board meeting. **5 – Aye, 0 – Nays. Carried.**

Resolution #101-2026PZB brought by Ben Leerkes, seconded by Mike Powers to close the meeting at 6:45 p.m. **5 – Aye, 0 – Nays. Carried.**

Respectfully Submitted, Tonya M. Thompson, Town Clerk