

**Minutes for a Special Ticonderoga Planning and Zoning Board Meeting held on
September 22, 2025, commencing at 6:00 p.m. with a public hearing regarding 108
Montcalm Street, Newberry Commons Project**

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

Absent: Don Meserve

Others: Nikki teRiele (NRDC), James Abdallah and Tristen VanArman from AEDA, Mark Wright

Chairman McTyier opened the special meeting with the Reciting of the Pledge of Allegiance and opening the Public Hearing.

Public Hearing – Area Variance

Newberry Commons – 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street

Mr. Abdallah went over the building plans and explained that the Town's zoning calls for a certain amount of parking spaces per square footage of the building. This building has no spaces on the actual property and there is no opportunity or space to be able to do that. There is a town parking lot behind the building and it is his understanding that the Town and his client have a good working relationship and it sees no issues with using that back parking lot as spaces for this building.

Chairman McTyier asked if we knew how many vehicles utilize the parking lot currently?

Ms. teRiele noted that on a day to day basis it is not much; it is currently not being used for the commercial building or the rental. She would say on an average day maybe 2%, but maybe more in the winter to get vehicles off the roadway. There has been a disabled vehicle in the lot for a long time.

Chairman McTyier asked how many parking spaces are in the lot.

Mr. Abdallah stated that the lot is not stripped, but he would think there were possibly 26 spots if stripped correctly. During his time that he has been involved in this project, there is very limited use currently.

Chairman McTyier reiterated that the plan is for five (5) apartments on the back of the building, commercial units on the front.

Resolution #75-2025PZB brought by Ben Leerkes, seconded by Mike Powers to close the Public Hearing for the Newberry Commons project – 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street at 6:05 p.m. **4 – Aye, 0 – Nays. Carried.**

The board went through the criteria.

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- whether benefit can be achieved by other means feasible to applicant (NO)
- undesirable change in neighborhood character or detriment to nearby properties (NO)
- whether request is substantial (YES)
- whether request will have adverse physical or environmental effects (NO)
- whether alleged difficulty is self-created (which is relevant, but not determinative) (YES)

Mr. Leerkes feels it should be noted that this Planning Board should point out a deficiency of the law and the law requiring these things for those businesses' downtown is nonsense. There is public parking and nothing else.

The Board went through Part 2 of the Short Environmental Assessment Form – Impact Assessment. (as seen in the file)

Resolution #76-2025PZB brought by Ben Leerkes, seconded by Walt Lender to adopting a negative declaration for the Newberry Commons project— 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street at 6:05 p.m. and will not have the potential for one or more adverse environmental impact. **4 – Aye, 0 – Nays. Carried.**

Resolution #77-2025PZB brought by Ben Leerkes, seconded by Doug McTyier to grant the Area Variance for the Newberry Commons project— 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street at 6:05 p.m. **4 – Aye, 0 – Nays. Carried.**

Site Plan Review

Newberry Commons – 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street

Mr. Abdallah explained the Site Plan. The building is being renovated, the area at the rear of the building will have improved sidewalk, parking, handicap accessibility, ramps, and stairway. Curbing will be installed for water runoff and improving drainage. Door Access for egress improvements.

Mr. Powers has some questions, in his hand he has a determination letter from our Code Enforcement officer date in July of this year, “the conversation of both upper and lower levels constitutes a change in use and shall require a building permit and site plan approval.” Why are we just now seeing this? How many months later, when significant work has been done to the building?

Ms. teRiele explained that Phase I did not require any variances, it was all deemed permittable by the codes office. She was surprised as well with this coming before the board now for site plan review, but we are in the grant world. Phase I was done with DRI – we went in and stabilized the structure and the awnings and the sign. When we moved forward to receive the

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permits and such for the construction of the apartment buildings and the commercial spaces to have the separation, that is when this came about. If she had her computer in front of her, she would look that up because she feels that there was a letter dated later than July.

Mr. Abdallah added that this building needed to be secured.

Mr. Powers agreed that there was some emergency work that needed to be done, but when this letter says you need a building permit and Site Plan in July and we are just now seeing anything about it in September...

Mr. Abdallah continued that the Phase I was received under emergency. At this point, the building has not been occupied, there has not been an occupancy permit issued, they are not working towards an occupancy permit at this moment, we are working toward full planning for the proposed change, which is what he sees the Codes Officer referring to. This is what you need to do when working through design, go through the Zoning Ordinance, which we have done, go through the variances if you need them, which we did and go to Site Plan Review which is where we are here and once we make it through final design we will apply for the building permit.

Mr. Powers added that it was stated that the sign was done under the stabilization of the building.

Ms. teRiele agreed that it was a portion of Phase I and we did have all the property permits and approval from the Town and Code Offices for that to be done.

Mr. Powers stated that we review signs, he would like to see a copy of that. That should be part of this application.

Mr. Abdallah wanted it clear that he is not looking for a sign application.

Mr. Powers understands that, but he is looking at the whole project. This board reviews signage and we have never seen anything about a sign; there is no mention of a sign in here. This speaks towards completeness of the application. He would also like to see the plans elevations of the building; they are not required but it would be nice to see what it looks like when it is finished. These are his concerns.

Chairman McTyier asked if the sign permit was issued by Dave Burrows in the Codes office?

Ms. teRiele wished she could say she was the program manager for Phase I, but she was not. She can't imagine that it wasn't pulled from Mr. Burrows for that DRI portion, they are very thorough and are actively working very actively with him and the Town on this project. That would have been something pulled by Luck Bros. who were the G.C. of Phase I, but she did not see it or personally apply for it.

Mr. Leerkes would like to point out that section 5.6 of the Town Law there is nothing about getting a permit. That is it on the sign regulation in our law. They incorporated the old law into

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the new law with solar and somehow the sign section is almost nothing. Section 5.6 and it has nothing.

Mr. Fuller sees signs under 6.12 on the Town Website. (These are in separate sections). It says the Planning Board in reviewing a sign requiring Site Plan Review and assessing its impact on the Town shall consider the lighting, proximity, materials, number of signs on the property, no sign shall be illuminated and contain flashing or intermittent rotating or moving lights. Etc.

Mr. Abdallah would like to make it into the records that given our current application, we do not have at this time have a specification or requirement for a sign to present. He can't comment on any current sign or current application done outside of this application, he would offer that if it does come as part of this project in the future that we condition that if there is signage that is needed and is required as part of a permit, he will return to the board.

Mr. Powers stated that the sign is already up and he understands this application.

Resolution #78-2025PZB brought by Ben Leerkes, seconded by Walt Lender to declare a complete application for the Site Plan Review for the Newberry Commons project- 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street at 6:05 p.m. **3 – Aye, Mike Powers – Nay. Carried.**

Ms. teRiele wanted the board to be aware that she just found out from Paul owner of Luck Bros. did pull a sign permit.

Resolution #79-2025PZB brought by Ben Leerkes, seconded by Doug McTyier to approve the complete application for the Site Plan Review regarding the Newberry Commons project- 108 Montcalm St. (150.43-9-8.000) Commercial Space along Montcalm Street and Residential apartments in the back along Algonkin Street at 6:05 p.m. **3 – Aye, Mike Powers – Nay. Carried.**

Chairman McTyier wanted to be sure that NRDC is well aware that things should be done in the correct order.

Ms. teRiele will share that statement.

Resolution #80-2025PZB brought by Walt Lender, seconded by Ben Leerkes to adjourn the meeting at 6:35 p.m. **4 – Aye, 0 – Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk