

**Minutes for the Ticonderoga Planning Board held on
September 1, 2016 commencing at 7:00 p.m.**

Present: Chairman Stu Baker, Mike Powers, Scott Manning, Ben Leerkes, Doug McTyier, Tonya M. Thompson

Others: Code Enforcement Officers Bill Ball and Danielle Drinkwine-Holman, Bill Stubba, Tad Johnston, Chattie Van Wert, Art Hatfield, Tony and Mary Mazzotte and Dayton Dedrick.

Mr. Baker opened the Planning Board meeting with the Reciting of the Pledge of Allegiance.

Minutes will be approved at a later date.

Cully - 150.67-5-9.000 (46 Black Point Road) - Garage with living quarters

Represented by Wayne Busby

- Addition on the end of existing home
- One story garage 16' x 20' w/ apartment in back
- No Bathroom
- Built similar to the home
- APA - Non-Jurisdiction
- LGPC is currently reviewing the application
- 10' set back (easement) remains (access to grinder pump)

Mr. Busby stated that an application has been submitted to the DEC to use the fill from the excavation of the garage to grade to the lake for better run off. Right now there is a steep drop off.

Resolution #25-2016 brought by Ben Leerkes, seconded by Scott Manning to declare a complete application for Cully - 150.67-5-9.000 (46 Black Point Road) - Garage with living quarters. **All in Favor 5 - Ayes, 0 - Nays. Carried.**

The Board expressed the one concern of obtaining LGPC approval on storm water.

Resolution #26-2016 brought by Scott Manning, seconded by Doug McTyier to approve the complete application for Cully - 150.67-5-9.000 (46 Black Point Road) - Garage with living quarters with the condition of approval from the Lake George Park Commission approval on the Storm water (Type II - no action needed). **All in Favor 5 - Ayes, 0 - Nays. Carried.**

Mazzotte - 139.4-1-52.121 (1207 NYS Route 9N) - Medical Helicopter Service

Represented By Air Methods - Bill Stubba and Tad Johnston

Mr. Stubba explained that the application submitted is for the Mazzotte property at 1207 NYS Route 9N that they will be leasing. The Site Plans have been submitted, but since that time last week there has been a moderate change in the plans. The change resulted in some discussion with Mr. Ball from another discussion that had taken place with Doug Miller from the APA which had to do with the fact that he indicated the they would

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require us when we applied with the APA to have this registered as an airport. As a result of a discussion with Mr. Ball we did go ahead and make those changes with the site plan on the heliport and to go ahead with the FAA application to use that as a private use heliport, it requires a little bit of a modification on the heliport design for us to basically move back about 30 feet from the rear of the building. Our engineering firm just got those design changes for you. Mr. Johnston will go over that change and we will answer any questions.

Mr. Johnston explained that the change to the site is relatively minor. We had submitted before a 100' wide 30' deep asphalt and 100' wide and 60' deep of concrete to land the helicopter on. Now it is 60' x 60' of asphalt and 60' x 60' of concrete for the pad. It will have the painted circle with the 'H' for helicopter on it, but it is only the width of the building, there was a 4' chain link fence around the two pads, now will put a chain link fence starting 10' from the back of the building out to the edge of the existing driveway and going back to an existing fence at the pasture and then across. There will be skid mounted fueling system on its own pad to the side of the concrete pad and will have a separate chain link fence around it with a gate and bollards. The grade is pretty much with the existing grade back there. It is gravel, there is existing drainage and swales along the back towards the pasture. There is an existing sign board that will be utilized along with a sign on the building. Change the existing lights on the building to LED lights - same location and there will be 4 subsequent lights along the fuel tank. They will be insignificant - they will not be lit up like a ball park. Besides the staff, there should be no traffic in or out of the area.

Mr. McTyier inquired about a designated approach to this.

Mr. Stubba agreed, with the FAA paperwork there will be an approach and departure pass and as part of our normal operations for a commercial area like this, we like to call it a fly neighborly program. The residential areas will be plotted out so that there will be flying neighborly areas where we actually have restricted areas for approach and departures. From the field side - but there could be times where the winds are 'squirrelly' that we may have to take off over a residential area, but our goal is to stay out of that residential area and the path is established to stay away.

Mr. Johnston mentioned that on the southwest corner of the building on the eave there will be a 10' mast with a wind sock on it. It will stick up about 5' from the ridge of the building.

Mr. Powers inquired why this building and not at the Ticonderoga Airport?

Mr. Johnston explained that it is the water and sewer aspect mostly. There will be sleeping quarters, rest quarters, a kitchenette installed in the building. There will be a crew on site at all times - the Pilots will have 12 hours shifts, the nurse and medical crew totaling three will be on 24 hour shifts.

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Mr. Stubba explained that the Airport would require building a hanger and crew quarters. This building will actually have modifications inside for crew quarters and the rear of the building actually is big enough for the aircraft to be brought in for a maintenance facility.

Mr. Powers inquired about the power lines.

Mr. Stubba stated that there is no problem with the lines. They will meet with National Grid to put balls on the transmission lines. They are very good about that.

Mr. Baker asked about review with NYS Department of Transportation.

Mr. Stubba explained that we first deal with the FAA and they will issue their letter of determination and once the letter is issued then it will go to NYS and then that process starts.

Mr. Baker asked Mr. Ball - according the APA they are calling this an airport, according to the FAA it is a private use heliport, what are we calling this in our zoning, is this a permitted use in this district.

Mr. Ball explained that he and the attorney have been discussing this at length, we don't agree that it is an airport. It could be a heliport, but we are talking about a business with a helicopter landing pad. APA is the lead in this fight, but he has not issued a final determination. He can but we were trying to hold off, hoping the APA would (after their meeting on Tuesday) change their determination. This may need to go the ZBA. If we follow the APA's lead we will need to go to the ZBA.

Mr. Johnston explained that the APA has airports and nothing else, there is no heliports.

Mr. Powers noted that our definitions don't agree with DOT and/or APA on a lot of things.

Mr. Baker stated that we do have airport listed as a use in our zoning, but we don't have it defined.

Mr. Johnston brought up his initial discussions with Mr. Ball and that this is a commercial use/commercial district.

Mr. Baker noted that it is not as if you lack experience doing this outside of airports, your location in Glen, NY is not at the airport and not at the hospital. That is the only one in NYS that isn't at either one. How is that handled in the zoning?

Mr. Stubba explained that it is handled the same, private use. Our legal department in Denver concurs with each of us, it is a gray area in the eyes of the APA. Whether they call it an airport or heliport, it is up to their discretion what they want to classify it, so we follow what we normally do, and we will file the normal application that we do. It is a private property and the application is filed and no one else is going to use it and if we

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didn't talk about it at this meeting someone would see a red light on the roof. Somebody would see it take off and land and nobody else will land there. Just like at a hospital, it is a permission use heliport as well and no one is going to land there either.

Mr. Baker asked if the hospital was looked at.

Mr. Stubba explained that they did, but with the expansion plan that they have it was not an option. That is why we did not end up there.

Mr. Baker stated that at this point we lack a formal determination by the Code Officer as to what the use is, we lack a final determination from the APA as to what the use is. This is certainly what he would call a conceptual review for this evening.

Mr. Leerkes asked how this zoned (service business). We have a very broad use, that doesn't include an airport. Isn't there a catch all use in that?

Mr. Ball explained that this is what we are looking at with the attorney. This is a business, I.P. Co. lands a helicopter in their parking lot all the time and nobody complains about that.

Mr. Leerkes noted that we can't review this, if you can't classify this as a permitted use then we can't even review it.

Mr. Ball stated that he can certainly classify this as a business. That is an allowable use. Originally that building was an office space with storage.

Mr. Leerkes agrees that our zoning law is very loose, we need a determination.

Mr. Mazzotte stated explained that this company has four or five families that have left their jobs, he has a multi-million dollar helicopter that has already landed and if we need to speed things up, what can we do to help with this. These people have left their jobs to come and do this, he did not anticipate this to turn into such a mess. He thought the town would welcome it with open arms. He does not know what is got to go on, but if there is anything that we can do to help to make this go faster....

Mr. Baker noted that what we are discussing is where this fits within the zoning. This board actually doesn't have authority under either local laws or NYS laws to approve this unless it is an actual use that is permitted in the district and that is what we are discussing. That is something that this board can actually speed up, that is a decision that is currently under discussion with the code office and our legal counsel, but until that decision is made we as a planning board cannot.... (inaudible)

Mr. Stubba interrupted that they are trying to see where this fits....

Mr. Busby stated that common sense states that this is a good idea.

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Mr. Powers agrees that the idea is not in question.

Mr. Baker agreed, we are just at a loss and that is the issue. Perhaps until the use issue is settled, the most productive thing that we can do as a board this evening assuming this is coming back to us with an application is to discuss completeness, what else we may want to see in the application to save time down the line. This would be a service to the applicant and the property owner.

Mr. Ball does not foresee a problem with the determination letter. Is there anything else the board feels they will need to see?

Mr. Leerkes asked how many square feet are you adding of paved area.

Mr. Johnston noted 720 feet?

Mr. Leerkes asked about storm water, you said it will go down into the pasture.

Mr. Johnston explained that DEC classifies what is there now as impervious, we are not adding impervious surface. Compacted gravel is considered impervious surface. It has already well under the threshold.

Mr. Powers noted that the design of the concrete pad, the asphalt pad, the fencing is all dictated by the FAA, so there is nothing this board can say about that. There is no change in the footprint of the building.

Mr. Stubba explained that what will be put there, in the grand scheme of things you will not be able to see it when you think of it. The grade will remain the same.

Mr. Powers asked about the lighting on the fence.

Mr. Johnston explained that they are little red lights, low wattage, single light fixtures - they may just operate from dusk to dawn, but we may opt to put them off completely because we operate with night vision goggles.

Mr. McTyler believes this is a really good use for that property, but what about noise, noise abatement?

Mr. Stubba explained that when you consider the noise, a comparison is that a lawn mower has louder decibels more continuously than a helicopter that takes off and lands.

Mr. Manning noted that there are no complaints from the people at the hospital area when this happens there.

Mr. Stubba does not know what to think about the APA, they use the term airport, but he would hope when you show them as big as we are that we are following the normal procedure that if we deem that we are following the FAA process for heliport, that you

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would think that if this is the language that we follow that they would follow suit. He is just shaking his head about this.

Mr. Baker asked about the details on the fueling system.

Mr. Stubba explained that it is a 4,000 gallon above ground brand new tank on a skid, double wall containment, fire suppression - we put a standard purple K fire extinguisher out there and honestly that is for a hard landing to put the aircraft fire out to rescue the people that are in it, god forbid that happens - there is no other requirement, there will be bollards to prevent someone from running into it along with chain link fencing around the building to prevent anyone from driving down by the building.

Mr. Baker inquired about communication systems.

Mr. Stubba explained that they will be using Champlain Valley Communications - he done other work for us and will be doing our install; UHF radio system and we use voice over the internet. The aircraft talks voice over the internet, they are dispatched voice over the internet. There will be a small roof top antenna placed in the break in the roof between the front and back of the building.

Mr. Baker asked about SEQR.

Mr. Powers answered that the APA will be doing the SEQR.

Mr. Baker asked for written authorization from the property owner for Air Methods to submit this application, which he knows will not be an issue. This is what he has on completeness. Without anyone else on the board having comment, he notes that we do not have a complete application at this point so there is nothing more that we can do. Thank you for coming.

Mr. Ball agrees since se done have anything from the APA anyhow, we will need to at least go to one more meeting. We were hoping the APA was coming back to us by now.

Mr. Stubba asked Mr. Ball about his discussions with the APA. They don't return his phone calls and that is what is puzzling to him.

Mr. Ball answered that he has probably more than 100 hours in on this project.

Mr. Stubba has a hard time as a professional digesting this, that they don't return his phone calls or his emails. From an etiquette standpoint, they could at least acknowledge...., to him this is of critical importance and even if they could acknowledge to say they have nothing for us yet, that would be the right thing to do.

Mr. Ball noted that they have assigned a person to this project now.

Mr. Stubba agreed that they have and she does not return any of this phone calls.

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Mr. Busby asked, as the chairman of the Planning Board, an email to the APA from this board saying whatever about this project - it looks favorable to us - we need your input? What would this do?

Mr. Baker noted that this is a good question.

Mr. Stubba explained that he hand delivered all his paperwork today at 4:50 so they have it all in hand and logged in today. If you say we ride this out to the next meeting, to him that gives them a whole other month for them to sit back and toss it back and forth. He thinks that if it is favorable on your end, they should be pushed to make a decision. This should not be rocket science, it is either A or B, we are not putting a runway in. You will have to agree that the APA will not trump the Feds approval of a helipad, so he would think that you would have to agree that their determination will not trump this helipad.

Mr. Baker would like Mr. Stubba to understand that the APA is a NYS level land use regulatory body, they probably view themselves working parallel with the FAA and the DOT on this. That would be his guess.

Mr. Busby again noted that an email stating that this board is favorable to this.....

Mr. Baker agreed that he can do this tomorrow.

Mr. Ball noted that we have a good relationship with the APA, and feels that this will be pushed along now that Mr. Miller is back at the office. The biggest problem is that they have six million acres that they deal with and their staff has been cut by 2/3 so they are always working on a project, but this project will be on their front burner.

Mr. Johnston noted that he is a former Planning Board Chair where he lives, and if the Town can move as quickly as they can.....

Mr. Leerkes stated that we cannot approve a use that is not an allowed use. If the lawyer says that we have to do this by going to the ZBA then we have to and you are looking at another month or so. We cannot review anything that does not have an approved use.

Mr. Ball noted that the APA is hold us up, they are the lead agency.

Mr. Stubba exclaimed that this has been very difficult on his end, it is frustrating. Thank you.

Other Business

Mr. Baker explained that on the upcoming Town Board meeting on the 8th of September he is anticipating the board passing a resolution for the Planning Board to review the use of solar panels in residential zoning districts and this is in response to the complaints that are coming in. Most recently the panels that were installed on the corner of Musket Trail and Grace Avenue.

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Mr. Ball explained that solar use on a residential property is an accepted use. He has concerns about these solar farms that are coming in (most recently the 2 - 20 acre properties) - what happens when they are abandoned? What do we do with them.

Mr. Powers stated that we need to put something in the code about non-use of solar farms, they must be dismantled if taken out of use for an extended period of time.

Mrs. Van Wert questioned the solar farms that the school is planning on putting in next to this property that Air Methods is looking at.

Mr. Ball explained that the school knows about this helicopter and the APA knows, there is no problem with the solar farm and the helicopter.

Mr. Powers agreed.

Mr. Baker wanted to let the Planning Board know of a resolution that was recently passed at the last Town Board meeting.

Resolution #260-2016 brought by Wayne Taylor, seconded by Fred Hunsdon amending the prior Resolution #259-2016 (not finished) to follow the listed instructions before adopting, amending, repealing or replacing any zoning law, zoning ordinance or any other law dealing with land use rules and regulations:

1. The Town must hold at least two centralized (Town Community Bldg.) informational meetings which are appropriately advertised in the three most widely read newspapers (i.e. Post Star, Press Republican and the Times of Ti Sun) and the two most listened to radio stations (i.e. WOKO, WVMT, NPR and PBS Vermont) prior to any public hearing.
2. Copies of the proposed Town legislation and its rationale must be timely sent throughout the 6 voting districts (i.e. via geographical town meeting organizations, fraternal organizations, local fire departments, Ti Chamber, etc.) and appropriately sent to out-of-town Town Taxpayers prior to holding public hearings on said matters.
3. After holding all informational meetings and prior to any public hearing, an informational public referendum will be held to gauge the people's support for or against a proposed zoning change.

All in Favor Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - Joseph Giordano - Nay, Chattie Van Wert - Nay. **Carried.**

The board held much discussion regarding this resolution.

Mrs. Van Wert noted that there may be an amendment to this policy, the board is looking at an emergency broadcast system that may help with exactly what this resolution is requesting.

Mr. Baker would like, before this board does anything more work on the sign or solar code, to know that the majority of the Town board wants to continue forward with it.

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Mr. Powers expressed that until this is resolved, he is leery to discuss solar or any this else. You guys need to figure this out first before we do anything because we are wasting tax payer money, tax payer time by working on these documents.

Dayton Dedrick would like to ask the opinion of the Planning Board what the thoughts are on the possibility of the Little League obtaining the old football field lights for the ball field.

Mr. Baker stated that the Planning Board has no jurisdiction over this. That is Town property.

Mr. Powers agreed that this is strictly on the Town. This came up when he was on Parks and Recreation and he felt it wasn't necessary. This is a residential area and not appropriate. He does feel that the Town needs to take a more active role in running those fields - they are not just for Little League.

Mr. Leerkes was concerned that the school is putting in new lights for energy efficiency, this is going to cost the Town money.

Mr. Dedrick explained some figures that he received, it is \$8.00 an hour to run the lights and Little League can easily incur that cost, 1 -2 hours a night, 1 -2 nights a week. We have permission to dig, Hour Electric will erect the poles and run the wiring.

The Town Board needs to make the determination on the lights, the Planning Board feels that the neighbors should be notified of this possibility.

Resolution #27-2016 brought by Scott Manning, seconded by Mike Powers to adjourn at 8:24 p.m. **All in Favor** 5 - Ayes, 0 - Nays. **Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk