

Minutes of the Town of Lake George Consolidated Board of Health meeting held on January 24, 2017 at the Town Center, 20 Old Post Road at 3:00 p.m.

Present: Chairman Dickinson
Fred Austin

Absent: Mayor Robert Blais

Also Present: Adele Behrmann, Tom Hutchins, Kevin Maschewski, Rebecca Holmes and others.

The meeting was called to order at 3:00 p.m. by Chairman Dickinson.

PUBLIC HEARINGS

- 1. Application for Consolidated Board of Health CBOH #1-2017 submitted by Adirondack Designers & Builders, Inc. requesting a septic variance for setback from limit of fill from adjoining stream and side yard for property located at 34 Colony Cove Road; being Tax Map No. 226.17-1-2.**

Chairman Dickinson opens the meeting by asking some information on the existing house and is informed by Tom Hutchins that it is located by the lake and it has 2 bedrooms while the proposed house will have 4 bedrooms. Fred Austin confirms with Tom Hutchins that the waste water system is all new to which Tom replies that everything is new, it's an enhanced waste water system with the field meeting the 100 ft. set back from the stream and all the other setbacks.

In response to questions on the stream, Tom Hutchins says that the streams are un-named although they have been improved by land owners over the year; one is a rock channel that can be stepped across. The field itself meets the setbacks but they need to bring in fill in order to keep the 4 ft. separation to bedrock since they are trying to keep from blasting in the area with the field; the fill needed in the northerly side is actually covering the tank and not necessarily the field but it all extends out in that direction. The setback is 80 ft. from the northerly stream and 87 ft. from the same stream in the west. Fred Austin reminds him of the condition that the Town imposes with an approval.

A motion is introduced by Fred Austin; seconded by Chairman Dickinson to open the public hearing.

All in favor, motion carries.

Rebecca Holmes, who is the neighbor next door to this property, approaches the podium to voice her comments as follows:

To: Lake George Consolidated Board of Health

From: Rebecca Holmes

I am opposing any/all variances for the septic leach field which is proposed at 34 Colony Cove Road, which apparently is proposed to be 2 feet from my property. I don't think anyone wants their neighbors' leach field 2 feet away.

Your board needs to understand that this set of variances is only one part of a project which requires many variances, because the house is inappropriate for the site and the physical conditions at the site are extreme. The proposed new construction will be the largest structure in the neighborhood on the smallest lot, shoehorned into the building envelope, not in character with the rest of the neighborhood. This environmentally sensitive lot is surrounded on 3 sides by water, which all feed directly to Lake George. There are potential wetlands which have not yet been surveyed which could further tighten the setbacks for the leach field and storm water infiltration areas. The lot is severely sloped (up to 50% slope) to the water(s) on 3 sides. The lot is loaded with bedrock and will likely require significant blasting which will fracture the bedrock.

The existing camp is less than 800 sqft, has 2 bedrooms, and is used only during the summer. It is not clear that a new septic system (that doesn't meet code) justifies a 6-fold increase in structure size, with a corresponding increase in impermeability, near complete deforestation, a lot of regrading and filling, a lot of retaining walls, a lot of variances, a lot of impact! A house of this size could house many people on blow up mattresses, futons, pull-out sofas, etc, not just in the bedrooms.

If this application had been for an upgrade of the system to serve the current structure, with no additional impacts to the environment or the neighborhood, I would feel that variances would be appropriate, as the available area to construct the leach field is quite small, due to the limitations of the lot. But, this project is, in essence, a complete rebuild of the site, for profit, and "grandfathering" of any aspect should not be considered. The rest of the neighborhood and the lake itself should not suffer any impacts, just so this one builder can make a profit.

In terms of the leach field itself, we all know that the presence of bedrock can limit functionality. Additionally, the presence of steep slopes downgradient of the leach field can also limit functionality, in that effluent from the field may find a pathway to the ground surface downhill. There is lateral movement of effluent, as well as vertical movement, and steep slopes enhance this movement.

On sites with bedrock and steep slopes, larger setbacks to water bodies, streams, wetlands, wells, etc. should be considered. Although Lake George's codes are sufficient to cover the majority of situations, there are sites like this one, with extreme physical conditions and environmental sensitivity, where larger setbacks could be justified, and certainly, variances to allow smaller setbacks should be discouraged.

None of us can change what was done in the past. But, we have an obligation to make good choices going forward and to not create new problems. Thank you for your time and consideration.

Chairman Dickinson asks Mrs. Holmes if she would point out the location of her septic system and Tom Hutchins whether they needed variances for the proposed building. Tom Hutchins replies that the building is compliant with all setbacks and they were granted two variances by the ZBA, one for setbacks from a water

body and the second one for the stormwater infiltration from that stream and also for bringing in fill in the shoreland overlay district to grade the land where the current house will be removed from. Chairman Dickinson asks what type of septic the current house has and is informed that it is an antiquated, old system located in the lower area.

Fred Austin asks whether the driveway has an easement to go across Mrs. Holmes' land to which Mrs. Holmes replies that it's a right-of-way that is shared by the neighbors. Chairman Dickinson directs his comments to Mrs. Holmes and informs her that this is a project where the applicant is taking the residence off the lakeshore, moving it back and making it compliant with all the setbacks and although the proposed house is large, it fits in the site; the other added benefits are the replacement of the old septic with a state of the art septic system and stormwater controls therefore he would be willing to approve it as submitted.

A motion is introduced by Dennis Dickinson; seconded by Fred Austin to close the public hearing.

All in favor, motion carries.

A motion is introduced by Chairman Dickinson; seconded by Fred Austin to approve the Consolidated Board of Health Application #1-2017 as submitted.

All in favor, motion carries.

A discussion ensues between Mrs. Holmes and the Board Members but the comments are not clearly audible.

Chairman Dickinson asks what the square footage of the house is and Kevin Maschewski replies 4,285 sq. ft.; Mrs. Holmes interjects by stating that this number is for the first and second floor however there is an additional room above the garage at 450 sq. ft. and a walk out basement and a two car garage. Kevin Maschewski replies that the house square footage is 4,285 with a room above the garage with abbreviated ceiling heights which is a little over 400 sq. ft. but the living space for the house is 4,285 sq. ft.

Mrs. Holmes expresses her concern that the applicant is a builder with the intent to resell the house and make a ton of money and won't be occupying the house. She feels that his leach field is going to be very close to her property and is concerned that (remainder of comments not clearly audible). She asks information on the function of the grinder pump and whether it will affect the leach field by shorting its life. Chairman Dickinson informs Mrs. Holmes that the grinder pump is a whole sewage pump, pumping to a septic tank that either meets or exceeds the Town's standards which are NYS standards. A sink grinder could pose a problem because of the presence of food which could load the system and would be more of a concern than the sewage grinder but this applicant is not proposing a sink grinder.

Mrs. Holmes re-iterates that a 5,000 sq. ft. house is too big for this lot but Chairman Dickinson replies that this is an issue that the Town has with very little that can be done about it although there is an effort going on for the Town re-zoning but it's taking forever to finalize; the applicants in this case have complied with all of the Town's standards.

A motion is introduced by Fred Austin; seconded by Chairman Dickinson to close the public hearing at 3:38 pm.

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann
CBOH Clerk