

Minutes of the Town of Lake George Consolidated Board of Health meeting held on April 11, 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: Dan Barusch, Jon Lapper, Esq., Joe Gross, Tom Hutchins, Adele Behrmann, Michael Muller, Esq., Chris Navitsky, Steven Adler and others.

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

PUBLIC HEARINGS

1. Consolidated Board of Health Application CBOH #3-2017 submitted by J. P. Gross Properties with Tom Hutchins as agent with a proposal to replace an existing septic tank with an enhanced septic system including a 1,500 gallons traffic-rated concrete septic tank and a 450 gallons Clarus Fusion treatment tank to serve a 3 bedrooms single family dwelling. The reliefs requested are 8.4 ft. from the absorption field to the building where 20 ft. is required and 11.6 ft. is proposed. 24 ft. from the absorption field to the well where 100 ft. is required and 76 ft. is proposed and 9 ft. from the absorption field to the lake where 100 ft. is required and 91 ft. is proposed. For property located at 41 Trinity Rock Road; being Tax Map No. 238.08-1-66.

Chairman Dickinson calls the meeting to order asking for the record to show that Mayor Blais is absent.

Jon Lapper, Esq. presents the project to the Board. When Joe Gross purchased this property he had no plans to change the septic system which although it was old, it was not failing. Over several appearances in front of the Board, Dan Barusch asked Joe Gross to consider replacing the system and move it to a more compliant area with less variances needed because he feels that the Clarus System will be good for the neighbors and the lake. Tom Hutchins informs the Board that this is a Clarus Fusion 450 which means 450 gallons a day with an aerobic pre-treatment tank and the relief requested is on three specific items:

- Set back from the shore .
- Set back from the structure.
- Set back to a proposed well which is 76 ft. from the absorption field.

The lot is small with not a lot of room with the intent being to be as far away as feasible from the lake, and without removing trees except for maybe 1 hemlock.

Chairman Dickinson asks if the infiltration system shown on the plans is for stormwater; Tom Hutchins replies that they cover the roof drainage and other stormwater. A traffic cover was put on the system because Joe Gross wants to keep that particular area as an overflow area and it will be grass.

Fred Austin asks if the pump will still be functional in the event of a power failure. Tom Hutchins replies that there is a generator as backup. He then shows the Board where the location of the test pit is that was done on the property.

Michael Muller, Esq. represents Mrs. Gilmore, the next door neighbor, who is questioning the reason for putting in a new septic system. He trusts that the Clarus system is a functioning, good system however specific requirements for installing it need to be followed. One of the mandates is that the system be inspected every six months by someone authorized by Clarus who will complete a report for each visit. The request is that this mandate be conditioned and a report sent to Code Enforcement particularly since Mrs. Gilmore and her son would like to see vigilance by Mr. Gross and all other future owners. He then asks why the leach field cannot be placed in the front yard rather than the proposed location which is close to Mrs. Gilmore's yard. Secondly, he hasn't had a chance to look at what would eventually be the Planting Plan but informs the Board that as per the Clarus Fusion owner manual, no tree shall be planted within 15 ft. of the system. Tom Hutchins replies that they're aware of this requirement.

Fred Austin adds that any time these systems are installed, the Town requires inspections. Chairman Dickinson also adds that as per the Septic Initiative, any system that doesn't fit within the appropriate setbacks needs to be an enhanced system and the Clarus is one the better ones. This applicant has met all of the Town's requirements related to the septic system. Some of other requirements are that Tom Hutchins has to certify it, a surveyor has to certify it's location and then it goes back to Planning & Zoning for review ultimately mandating the owner to properly maintain the system and provide a copy of its maintenance, including the pump out of the septic tank, to the Town for filing. Chairman Dickinson reassures Michael Muller that the Planning & Zoning office will inspect the site to make sure no trees are within 15 ft. of the septic system. Fred Austin would like to see the name of the northern neighbor indicated on the map however it is determined that the name is shown on the site plan for the Planning Board.

A discussion ensues about the confirmation of the 6 months inspections to be sent to Planning & Zoning. Tom Hutchins states that the first two years are free with Eric Murdock or a staff member following up with the inspections. Chairman Dickinson reminds the applicant that if he leaves the site after 10 years he needs to notify the Town.

Chris Navitsky with the Lake George Waterkeeper thanks the applicant for installing the Clarus Fusion system. He asks that the perc rate and perc test be shown on the map and states that this system is an enhanced, expensive system and questions whether it's necessary and if it is going to work especially since it's being installed after the septic tank which will result in reduced affluent going into the system. He is not certain on how it is going to work since it is not to be used the way it is designed. He contacted the Clarus Company and they don't recommend this use. He believes that the reason for installing the Clarus is to reduce the field size in order to squeeze it in which could be good but he is not certain. Tom Hutchins responds that he has read the manual which offers the installation of a septic tank as optional which is an option he prefers since it produces saleable organics that don't dissipate in a septic tank. Chairman Dickinson is concerned with the nitrates removal which may not happen with the way this system is installed.

The requirements requested by the Board are as follows:

- A written confirmation from a Clarus representative about the nitrate removal and if the set up of this particular system doesn't remove the nitrates then the tank will have to be removed or reverse the location with the Clarus. (Tom Hutchins believes that it is going to work however he is also concerned about the nitrates; he will contact Fusion).
- The perc test and rate need to be shown on the map.
- The name of the neighbor in the north needs to be shown on the map.
- Inspections need to be carried out every 6 months by a certified Clarus inspector and the results be provided to the Planning & Zoning Office.

- The applicant's engineer shall certify that the plan meets all requirements and an as-built shall be on file in the Planning and Zoning Office.

A motion is introduced by Chairman Dickinson; seconded by Fred Austin to close the public hearings.

All in favor, motion carries.

A motion is introduced by Chairman Dickinson; seconded by Fred Austin to approve Consolidated Board of Health Application CBOH#3-2017 with the following conditions:

- **The applicant to submit a written response from Clarus regarding nitrates removal.**
- **Applicant to show the perc test location and perc rate on the plan.**

All in favor, motion carries.

2. Consolidated Board of Health Application CBOH #4-2017 submitted by Stephen Adler as agent for Kenneth Sharp with a proposal to install a new on site waste water system for a new single family dwelling. As per Chapter 115-6(E)(1)(a)(3) a variance is required for placement of system on 15% slope. For property located at 56 Olde Coach Road; being Tax Map No. 225.08-1-33.

Stephen Adler is the applicant's representative and begins by stating that the reason for the variance is the proximity of the septic system to 15% slope. He adds that Monarch Design did the surveying indicating the location of all the plots and confirms that the maps submitted show the actual elevations of the proposed house.

Chairman Dickinson confirms the size of the tank which as per Stephen Adler will be either 1,250 or 1,500 gallons although the application states 1,000 gallons which is an error.

A motion is introduced by Chairman Dickinson; seconded by Fred Austin to approve Consolidated Board of Health Application CBOH #4-2017 with the following conditions:

- **The Town of Lake George shall be given at least 48 hours' notice prior to construction for monitoring and observation.**
- **The applicant's engineer shall certify that the plan meets all requirements and as-built shall be on file in the Planning and Zoning Office.**

A motion is introduced by Chairman Dickinson; seconded by Fred Austin to adjourn the meeting at 3:40 p.m.

Respectfully Submitted,

Adele Behrmann
CBOH Clerk