



# Town of Mount Holly Planning Commission

## Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday, November 20th, 2024

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Andrew Seward, Andrew Schulz (Secretary via Zoom), Stephen Michel

Also present: (in person) Faith Tempest, Kevin Hollobeck. David Johnson, (online) Teresa Bolalek, Andy Bolalek, Alissa Tilly.

1. Chair called the meeting to order at 7:01 pm
2. Changes to agenda: none
3. Approval of minutes
  - a. The minutes of the regular meeting held on 16<sup>th</sup> October 2024 were approved without objection.
4. Reorganization
  - a. Election of officers (Chair, Vice-Chair, Recording Secretary): the Chair proposed that the officers be proposed as a single slate, continuing in their previous roles – Jon McCann Chair, Jim Seward Vice Chair, Andy Schulz Recording Secretary. Motion approved.
  - b. Re-adopt Rules of Procedure and Conflict of Interest Policy: Chair proposed readopting the rules of procedure from 2023, with an update to the date. Motion approved.
5. Reports & Announcements
  - a. Administrative Officer
    - BCRs received from:
      - Turco**, Branch Brook Road, 20x32 Camp
      - Rasevych**, Belmont Road, house renovation (renewal of BCR); PC members asked the AO to investigate whether this construction is subject to wetlands or shoreland permits issued by the State.
  - b. Planning Commission Chair
    - i. None.
6. Correspondence
  - a. Subdivision proposals
    - i. Discussion of Bolalek/Enman/Tilly plans: Andy Bolalek had submitted to the Town Clerk two Boundary Line Adjustment Exemption forms,

exempting the owners from aspects of the State's WW permitting process. The proposal involves adjustments between three properties, the end result of which would be an increase in the land available to the General Store to allow for a larger septic system. The Chair wished to clarify the specific proposals and whether the Commission has any role.

- ii. Chair asked what new lots were being created; Kevin Hollobeck clarified the adjustments being proposed, with additional clarifications from Andy Bolalek and Alissa Tilly. The first adjustment of approx. 0.14 acres between Enman and Kivi (owner of the General store) increases the Store property and provides a boundary between the Store property and the Bolalek property. The second adjustment is approx. 2.5 acres from the Bolalek property to the General Store; subsequently the General Store makes a boundary adjustment with the Enman property, adding back approximately 0.3 acres across the brook meaning that the Enman property remains the same size. Andy Bolalek noted that this process has been agreed by the State in the context of WW approvals as long as all the exchanges happen in close proximity.
- iii. Chair stated that his understanding was that this process was being followed to avoid any amendments to existing WW permits, and that the exemption is based on no lots being reduced in size; however at some point the Enman lot will be smaller; once the final exchange is made, the Enman lot will not have any additional useable land since the final swap is land across the brook. He asked Kevin Hollobeck to clarify the States rules: he noted that a mound system does not need a replacement site and so the State is less concerned about increases in size given the existence of such a septic system. The State does not appear to take into account the location of streams within properties.
- iv. Once apprised of the size of the adjustment between the Bolalek and Kivi properties, the Chair noted that this seemed too substantial to be a BLA. Kevin Hollobeck and Andy Bolalek pointed out that no new lots are being created. Alissa Tilly noted that the rules governing water and septic for a commercial property mean that the General Store would require this amount of land.
- v. Commissioner Schulz asked if Chris Tomberg (DEC Regional Engineer) was apprised of the brook when he said the State was happy; Andy Bolalek noted that Chris had the maps in front of him when he made his determination.
- vi. Commissioner Andrew Seward asked if there is a definition of substantial in the sub-division regulations; the AO responded that there is not.

- vii. The Chair asked if any of the parties had spoken to the Act 250 coordinator? The Chair proposed that this needs to be done in advance of any next steps. He also asked how waste would be moved across the stream. Alissa Tilly said she is working with Brooks Excavating, who are licensed for this kind of work, to consider the options for the septic. She has not started the permitting process yet since the lot reconfiguration has not happened. The Chair asked why this cannot be designed in advance.
- viii. The Chair stated that in his view this requires a sub-division (of the Bolalek property) to move forward. Andy Bolalek said the proposals are prompted by the desire to help the Store, and were discussed with State officials, lawyers, engineers to ensure that it was done legally and according to State rules. The Chair asked what happens to the existing WW permit for the Bolalek meadow. Kevin Hollobeeek responded that State sees the meadow as potentially two lots in respect of WW – the existing permit is for two single family residences. This permit would need to be amended if the land is subdivided. The Chair said that the only authority to split it into two lots is through a town sub-division.
- ix. The Chair noted that the PC needs to consider whether a 2 lot subdivision is required for the Bolalek property, with a subsequent sale of one of the lots to the General Store. Act 250 would then be triggered for the store (since its lot would be bigger than 1 acre) for both the operation of the Store and the wastewater arrangements. Commissioner Jim Seward stated that this seems to be a straightforward subdivision.
- x. Commissioner Schulz asked if there is an existing Act 250 permit for the Store? Alissa Tilly confirmed there is not. He also asked about the existing wastewater permit and noted that he understood that the Store was looking for more seating capacity; Alissa Tilly confirmed this.
- xi. The Chair confirmed with the Commissioners that the PC considers this a two lot subdivision of the Bolalek property. Following that any BLA can be made, probably without PC involvement. Andy Bolalek noted that he would ask the lawyers/ surveyors to communicate with the PC about the proposal and that to date, none of them had mentioned any Act 250 implications. He said that if it is more complicated than the BLA proposal he will need to reconsider. The Chair reconfirmed that Andy Bolalek should submit a sub-division application, supported by the documentation already prepared, before going forward. The Chair asked the AO to be in touch with the parties to see how to move the process forward.

7. New Business:

- a. None
- 8. Unfinished Business
  - a. None
- 9. Public Comments: none.
- 10. Upcoming meetings
  - a. Regular meeting: 18<sup>th</sup> December 2024 at 7:00 pm
- 11. Meeting adjourned at 8.13pm.

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on 18<sup>th</sup> December 2024

A video recording of this meeting can be found at: <https://okemovalley.tv/mount-holly-planning-commission-1120>