



Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday, December 18th, 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: Faith Tempest, Hunter Cole, Alissa (Tilly) Chronert, Michael Chronert, Chris Blanchard, Kathy Leber, Abe Leber, Ron Unterman, Andy and Teresa Bolalek (via Zoom), Covalla (via Zoom no other details provided), 18455 (via Zoom would not identify themselves).

A video recording of this meeting can be found at: <https://okemovalley.tv/mount-holly-planning-commission-1218>

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 20th November 2024 were approved without objection.
4. Reports & Announcements
 - a. Administrative Officer
 - BCRs received from:
 - **Asphar**, Belmont Road, 14x16 Camp, following a request by the AO after construction had started.
 - **Rasevych**, Belmont Road: After the previous meeting, the AO contacted the property owners to ask if they had consulted with the State regarding Wetlands and/or Shorelands permits.; Jim Filipowicz of Brooks Excavating, who had undertaken some of the preparation work, met with the AO on the landowner's behalf but was not aware of the status of permit applications. AO contacted the relevant Officers at the DEC and will put them in touch with the landowner.
 - b. Planning Commission Chair
 - i. **Garrow subdivision/ Act 250 permit amendment**: The PC was copied on additional information provided for the Act 250 permit amendment, but also on correspondence from the District Coordinator to Mr. Garrow, noting that the application is still deemed incomplete and will not be considered until all necessary information has been provided.

- ii. The Chair participated in a Recreation Committee meeting (a sub-committee of the Mount Holly Conservation Commission). The Recreation Committee is working on issues raised in the Town Plan – trails in particular, and an action plan for Star Lake and there are potential avenues for cooperation between the PC and the Recreation Committee on this.

5. Correspondence

a. Subdivision proposals

- i. **Cole:** This minor subdivision into three lots was presented again to the PC with a single map showing the proposed changes. The Chair asked for confirmation that there is access to all parcels; Hunter Cole confirmed that there is. He also noted that the previous GMP easement on the property has now been dissolved. Commissioner Schulz asked if WW permits are in place; Mr. Cole confirmed that there are three permits issued, with two wastewater systems already in place. The PC Chair asked about the river corridor that skirts the property's western boundary and whether it would be acceptable to put limitations on development there; Mr. Cole responded that he would have to consult the other owners but did not foresee a problem. The Chair ran through the checklist of requirements for the application to progress; the PC concurred that the sketch map includes all required details. The Chair noted that the mylar would require a signature from the surveyor, E911 numbers, details of the proposed site for the remaining WW system, and the site for the proposed future single-family residence. Mr. Cole confirmed that this will be finalized in time for a public hearing. The PC agreed to call a public hearing for the sub-division on 19th February 6:30 pm.

ii. **Bolalek/Enman/Kivi LLC proposals:**

1. The AO received a subdivision application on December 16th from Alissa (Tilly) Chronert for a Boundary Line Adjustment between her property (Belmont General Store 2400 Belmont Road, also referred to as the Kivi property) and her neighbors (2378 Belmont Road, Enman/LePage). Accompanying the application was a letter from the State (Chris Tomberg ANR District Office) exempting the BLA from further permitting requirements under the State's Environmental Protection Rules.
2. The AO noted that the application as received was incomplete, giving several reasons: it was only signed by one party (Alissa Chronert), the statement that there would be no change of use was incorrect because the application states that the subdivision's purpose is to allow for the installation of a new wastewater system, and the sketch

map submitted was unclear. The AO returned the application to the applicant for completion before it could be referred to the Planning Commission.

3. Chair noted that although the application could not be considered formally, he would like to discuss the details to clarify issues and avoid further delays. Alissa Chronert and Chris Blanchard (lawyer for Ms. Chronert) asked to speak. The Chair asked Ms. Chronert to explain the full details of the proposed project. She described a series of proposed boundary line adjustments: the first, as presented in this application, was to transfer 0.13 acres from Enman/Lepage to Kivi, to create a boundary between the Kivi property and the meadow owned by Andy and Teresa Bolalek. A future BLA would then enlarge the Kivi property through an adjustment from Bolalek to Kivi, creating a parcel for Kivi that is large enough to support a wastewater system and public water supply for the General Store; yet another BLA would then revert a small portion of land from Kivi to Enman/Lepage to bring their parcel back to its original size. Mr. Blanchard asked that each of the BLAs be considered separately and asserted that no new lots are being created. He also noted that the first of these BLAs has been approved by DEC (Chris Tomberg), with respect to State wastewater rules. Mr. Blanchard noted that the guidance document on the Town website notes that substantial BLAs should be treated as sub-divisions but does not define substantial.
4. The Chair clarified what seemed to be a misunderstanding, that DEC does not ultimately approve boundary line changes. That responsibility lies with the town. DEC reviews whether a permit or permit amendment is required beforehand.
5. Mr. Blanchard suggested that the proposed transfer would not change the land use. The Chair pointed out that the land subject to the proposed BLA is currently residential but would become mixed-use or commercial. Mr. Blanchard agreed that this would be a change in land use.
6. The Chair responded to Mr. Blanchard's suggestion that the series of transfers were entirely independent by reiterating the discussion from the November meeting that the PC considered all of the proposed adjustments as a single project, not a series of independent steps. The Chair suggested that it is time to see the full scope of the project that, according to the applicants, has been in the works for a year, including the designs for commercial septic and public water supply that they acknowledge an engineer has already been working on.

7. The Chair recounted part of his discussion with DEC's Chris Tomberg and asked if the applicant has a design for the commercial septic system. Ms. Chronert confirmed that they have preliminary designs done by a professional engineer at Brooks, and that the extent of the land acquisition is necessary for the plan to conform to State requirements. The Chair said the PC would like to see these plans.
8. The Chair also asked if the Bolaleks are still interested in moving forward on the project. Ms. Chronert responded yes, but not if it requires a subdivision. The Chair reminded Ms. Chronert that based on the meeting in November, the subdivision regulations would apply.
9. Abe Leber asked if the PC has the authority to require disclosure of wastewater and site plans. The Chair said that the PC has the authority and would generally expect disclosure of any such project's full and accurate details.
10. The Chair asked Ms. Chronert how many total full-service "seats" the store plans to add. Ms. Chronert responded that their current plan is to add 20.
11. Mr. Blanchard asked the AO what would be required for the application to be considered complete and forwarded to the Commission for their consideration. The AO said that a complete application would need the signatures of all parties and a clarification that there is an intended change of use.
12. Commissioner Schulz noted that the application is also incomplete because it states that the property is only a General Store, but it also contains two apartments and is a location for cider fermentation.
13. Commissioner Andrew Seward clarified that the BLA application is not yet before the PC because it is incomplete. It needs all parties' signatures, a clear proposal description, and the correctly prepared survey. Once received, the PC can consider the application.
14. Michael Chronert asked if the PC would decide if they had more information about the plans, including septic designs. The Chair requested that the applicants share the full proposals with the Planning Commission, the Act 250 Coordinator, the public wastewater engineer, and Chris Tomberg, which would facilitate a discussion on how to move forward.
15. Commissioner Schulz noted that usually, when a project of this nature is being planned, a full proposal is developed. The Commission has

not been given full disclosure about this project, making it difficult for the Commission to do its duty.

16. Commissioner Michel stated that if the paperwork for the LePage/Enman BLA is completed, he would consider approving it. However, he disagrees that a BLA is appropriate between Bolalek and Kivi—it is a subdivision.
17. Ms. Chronert noted an urgency to have the PC's determination since she had sold assets and needed to reinvest the funds. The Chair noted Ms. Chronert's urgency and asked for clarification as to whether this BLA would meet the investment requirement. Ms. Chronert responded that it would not; it would need to be a larger investment, such as acquiring a portion of the Bolalek property. The Chair noted that a subdivision application could have been brought to the PC earlier, which would have met the end-of-year deadline, generally taking about 90 days. However, given the timing of the submission, it could not meet the applicant's desired end-of-year deadline.
18. Mr. Chronert asked what would trigger Act 250 if Kivi bought the whole Bolalek property. The Chair deferred to the State on this but noted that the subdivision of the Bolalek property could be straightforward. Commissioner Andrew Seward gave the example of the Cole subdivision earlier in the meeting. The Chair pointed out that the Commission is interested in knowing the implications of land use changes on the Village.

6. New Business:

- a. None

7. Unfinished Business

- a. None

8. Public Comments:

9. Upcoming meetings

- a. Regular meeting: 15th Jan at 7:00 pm

10. Meeting adjourned at 8.57pm.

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on 15th January 2025