

TOWN OF BOLTON

SPECIAL TOWN BOARD MEETING

July 21, 2009

PRESENT: Supervisor Kathleen Simmes, Councilmen Robert MacEwan and Jason Saris, Councilmember Deanne Rehm, Zoning Administrator Pam Kenyon, Code Enforcement Officer Mitzi Nittmann, Town Counsel Michael Muller and Town Clerk Patricia Steele

ABSENT: Councilman Owen Maranville

Meeting called to order 5:02 pm

Public hearing for a wastewater disposal system variance request for property owned by Rosamond Clarke, 5204 Avenue Medoc, Lutz, FL 33549, Parcel ID#185.15-1-26, 63 Three Oaks Drive. 1) A 50' separation between the holding tanks and the well is required, 43.4' is proposed. 2) The use of holding tanks is considered an unconventional system, also requiring a variance. 3) 100' setback from Trout Lake is required, 50.2' is proposed.

RESOLUTION #163

Councilman MacEwan moved, seconded by Councilman Saris to convene as the local Board of Health. All in Favor. Motion Carried.

RESOLUTION #164

Councilman Saris moved, seconded by Councilman MacEwan determined that the requested disposal system is not a water type vault like an outhouse (privy) and the 100' setback from Trout Lake is not required. All in Favor. Motion Carried.

RESOLUTION #165

Variance Request:

Rosamond Clarke, 5204 Avenue Medoc-Lutz, FL 33549, Parcel ID#185.15-1-26, 63 Three Oaks Drive

Councilman Saris moved, seconded by Councilman MacEwan to the following:

WHEREAS, an application for a variance from the provisions of the New York State Department of Health rules and regulations pertaining to placement, situation and/or design of a private sanitary sewage disposal system (and /or variance from requirements imposed by Ordinance 36 of the Town of Bolton entitled "Sanitary Sewage Disposal Ordinance) has been applied for the following reasons:

A 50' separation between the holding tanks and the well is required, 43.4' is proposed.

The use of holding tanks is considered an unconventional system, also requiring a variance.

100' setback from Trout Lake is required, 50.2' is proposed.

WHEREAS the Town Clerk's office published notice of public hearing in the municipality's official newspaper and the local Board of Health conducted public hearings concerning the variance request, and

WHEREAS the local Board of Health has been assured that the municipality has duly notified all property owners within 500 feet of the subject property,

NOW, THEREFORE, BE IT RESOLVED, that due to the nature of the variances, it is determined that the requested variances would not be materially detrimental to the purposes and objectives of the rule, regulation or ordinance nor to another adjoining property, and will not otherwise create conflict with the purpose and objectives of any town plan or policy; and

The local board of Health finds that the granting of the variances are necessary for the reasonable use of the land in the manner in which it is proposed to be improved and utilized, and the variances granted is the minimum necessary to alleviate the specific unnecessary hardship found by the local board of Health to affect the applicant's property; and,

BE IT FURTHER RESOLVED, that the local Board of Health hereby specifically approves the application as follows:

Specifications as to the variance granted:

Permitting holding tanks instead of a conventional septic system shall require regular maintenance.

Holding tanks shall be installed and maintained by the owners and all successors in interest in accordance with the requirements imposed by the local Board of Health.

The current owners and all successors in interest shall be required to provide satisfactory proof to the Town of Bolton on three year intervals after installation certifying that the holding tanks function properly and all alarm systems are working.

An inspection and certification that the system approved by granting of variance is functioning satisfactorily shall occur prior to any successive ownership and a copy of such inspection report shall be provided to the Town of Bolton.

A covenant (deed) shall be recorded in the Warren County Clerk's office in Miscellaneous Records at the owner's expense and proof of such recording shall be provided to the Town of Bolton.

It was determined that the 100' setback from Trout Lake was not required.

All in Favor. Motion Carried

Councilmember Rehm asked Jeff Tennent if the variance had been granted by the Zoning Board to enclose the lower section of the house and to build a deck. He said yes but not for living space, storage only. The Zoning Board had recommended that the Town Board address the stormwater around the tank and Tom Jarrett agreed to meet with Pam Kenyon to discuss this issue.

RESOLUTION #166

Councilman Saris moved, seconded by Councilman MacEwan to close as the local Board of Health. All in Favor. Motion Carried

RESOLUTION #167

Councilman Saris moved, seconded by Councilman MacEwan to adjourn to regular session. All in Favor. Motion Carried.

Zoning Administrator, Pam Kenyon on behalf of engineer Tom Nace requested that he be able to do a comparison study on the existing septic regulations – Appendix 75A. This section needs clarifications and amending. The Board agreed to let Mr. Nace proceed.

RESOLUTION #168

Councilman MacEwan moved, seconded by Councilman Saris to adjourn at 6:05pm. All in Favor. Motion Carried.

Respectfully submitted by:

Patricia Steele

Town Clerk