

ZBA Meeting
January 19, 2016
Nelson Town Office – 7 p.m.
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Chairman Tobin called the January 19th, 2016 ZBA meeting to order at 7 p.m. Present were Carl Shaw, John Foley, John Tobin, Kathryn Eberst and Deborah J. Costello, ZBA Secretary. Also present was Roger Cook, Code Enforcement Officer. Absent was Eric Lints.

1. Minutes

A motion was made by John Foley and seconded by Carl Shaw to approve the September 15th, 2015 meeting minutes as presented. There was no further discussion. All voted in favor and the motion carried.

2. Paul Restante – 131 Pleasant Point, Erieville – Waterfront Zone – Tax Map #133.9-2-23.1 requesting a front yard setback from the road variance of 3 ½ ft. – Public Hearing

Mr. Restante is proposing the construction of a one story, 24' x 15', 14' 1" ft. high, 1 ½ car garage to allow for covered parking. The garage will be constructed in front of the applicant's residence at 131 Pleasant Point. Mr. Restante received Site Plan approval from the Planning Board December 8, 2015 conditioned upon approval of a 3 ½' front yard variance from the road.

John Foley, Carl Shaw and Kathryn Eberst visited the site.

Chairman Tobin noted that, in the past, where there have been nonconforming structures on a property and the wall line has been expanded, side yard variances have been granted. Roger Cook noted it appeared to be 5' from the sideline.

The proposed structure will not extend farther than the Pirro residence. The Pirro residence will extend farther than the proposed garage.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:10 p.m. Jeff and Lisa Pirro, 127 Pleasant Point, neighbors of Mr. Restante, were in support of the proposed garage. There were no further public comments.

A motion was made by Carl Shaw and seconded by John Foley to close the Public Hearing. There was no further discussion. All voted in favor and the motion carried. The Public Hearing was closed at 7:10 ½ p.m.

Roger Cook was concerned with someone backing onto the Pirro's septic and suggested some type of visual barrier. The Board agreed.

The Board noted an amendment to the application to reflect a request for a side yard variance of 10' where 15' are required in the Waterfront Zone.

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The findings were as follows: There will be no undesirable change in the neighborhood, there is no feasible alternate to an area variance for the applicant, the requested area variance is not substantial and there will be no adverse effect on the physical or environmental conditions in the neighborhood. The difficulty was self-created, all information and evidence was considered, all parties in question have been heard and there was no intimate knowledge to take into account.

A motion was made by John Foley and seconded by Kathryn Eberst to approve a front yard variance of 3.5 ft. where the applicant has 21.5 ft. and 25 ft. are required and to approve a side yard variance of 10 ft. where the applicant has 5 ft. and 15 ft. are required with the condition that a visual barrier be placed between the driveway turnaround and the Pirros' septic tank to the north. There was no further discussion. All voted in favor and the motion carried.

As there was no further business before the Board, a motion was made by Carl Shaw and seconded by John Foley to adjourn the meeting. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Deborah J. Costello, ZBA Secretary
Town of Nelson