

Chairman John Dunkle called the April Planning Board meeting to order at 7 p.m. Present were Michael Emerson, Jim St. Pierre, John Dunkle, Kathleen Maloney, Robert Carr, Sandy Palmer and Deborah J. Costello, Planning Board Secretary. Also present was Roger Cook, Code Enforcement Officer. Absent was Diane Cass.

1. Minutes

A motion was made by Sandy Palmer and seconded by Kathleen Maloney to approve the minutes as written. There was no further discussion. All voted in favor and the motion carried.

2. Linda Sullivan – 3716 North Lake Road, Erieville – Waterfront Zone – Tax Map #121.18-1-10 Seawall Construction – DEC Permit issued -Site Plan

Linda Sullivan is proposing to replace an existing timber seawall with a 76' 4" Versalok Block wall. 12"x6" gray blocks will be used. The wall will be 7 blocks high, with one block buried and the top capped. The contractor, MDM Landscaping, will dig 24 inches down and set 12 inches of crusher run for the wall base. Geo grid will be placed every two tiers to hold the wall to the bank. The wall will be filled with 4 inch drain tile and #2 stone to allow for drainage. There will about 1' of exposure above the water. The wall will meet the neighboring walls on both sides.

New York State Department of Conservation (NYSDEC) requested that the former 90 degree angle of the wall at the west end be curved to reduce wave impact. Steps will be located slightly west of the center and will be 3 ft. wide and recessed 5 ft. into the bank. Landscaping on the backside of the wall will be done in accordance with the Town of Nelson "Guidelines for Improving Lake Water Quality."

SEQR

The Board reviewed the submitted short form EAF. A motion was made by Jim St. Pierre and seconded by Robert Carr to declare the Town of Nelson Planning Board Lead Agency, b. to declare the proposal an unlisted action and c. based on a review of the potential environmental impacts outlined on the short form EAF, to make a negative declaration. There was no further discussion. All voted in favor and the motion carried.

Approval

A motion was made by Kathleen Maloney and seconded by Sandy Palmer to approve the replacement of an existing seawall at 3716 North Lake Road with a 76' 4" Versalok Block wall in accordance with the DEC permit issued with the following conditions:

- The installation will be in accordance with the description prepared by MDM Landscaping
- A 2' wide landscaped area will be provided behind the wall in accordance with the Town of Nelson "Guidelines for Improving Lake Water Quality"
- Steps to the lake will be located slightly west of the center of the wall and will be 3 ft. wide, and recessed 5 ft. into the bank

- The former right angle of the return, on the west side, will be curvilinear

There was no further discussion. All voted in favor and the motion carried.

3. Ben & Shioban Reilley – Life of Reilley - proposing to expand production and storage of existing distillery business, add retail component – 2747 Trush Boulevard (Pelco- owner) Tax Map #95.-3-5.2 Business Commercial Zone - Special Use Permit Amendment – (application has been submitted to the Madison County Planning Department –Informal Discussion

The Reilley’s were given approval in February 2014 for a Special Use Permit to operate the “Life of Reilley” distillery business in 800 sq. ft. of the Pelco warehouse at 2747 Trush Boulevard. The business has succeeded and an expansion is now being proposed.

Ben Reilley informally informed the Board that the proposed expansion would encompass approximately 2700 sq. ft. to permit an increase in production as well as a tasting/retail component. The proposed facility will operate with a Class D Farm Distillery License which will allow tastings and sale of any New York State wine, beer, cider or spirits. The proposed expansion will involve minor exterior modifications to the building and site to accommodate access and identification.

Mr. Reilley will submit a formal application for the next Planning Board meeting which will include more detailed plans, an assessment of the existing well and a narrative of the proposed operation. The applicant was asked to review potential sewer issues with the Madison County Sewer District and potential sign issues with New York State Agriculture & Markets.

4. Judy Gianforte – Cazenovia Preservation Foundation – Greg Owens, DEC Forester -Regarding Tax Map #108.-2-1- Informal

Judy Gianforte and Greg Owens informally discussed the potential sale of the 138 ± acre Elmer property on Route 20 and Thomas Road. Most of the abutting land to the east, excluding the former Cazenovia Equipment site, and the south, is owned by the State of New York. There is 720’ of frontage on Thomas Road, to the west. The lot forms a back line for several residential properties.

Greg Owens, DEC Forester, noted that the Department of Environmental Conservation is interested in purchasing part or all of the property to add to the Nelson Swamp lands owned by the DEC. The DEC is most interested in the cedar swamp; the wetland areas that have the most natural resource value.

It was noted that the landowner is not interested in subdividing the land and the sale price is quite high. The owner is also not interested in selling the property to the DEC. The Cazenovia Preservation Foundation became involved after being contacted by Claire Hollman, 3956 Thomas Road informing them that some Thomas Road residents were wondering if the DEC was interested in purchasing this property. Ms. Gianforte has also met with the Nature Conservancy regarding this issue. One possibility is the Conservancy purchases the land and sells some to the DEC or subdivides the property and tries to find a buyer for the upland.

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Mr. Owens noted upland means outside of the classified wetland area. Ms. Gianforte noted there is some history and the DEC wants to respect that history and wants to see what the possibilities are.

Fay Lyon informed the Board that in 1986 the Environmental Bond Act was passed that allowed the DEC to purchase these unique areas. The DEC was told this area, the current unique area, would be a good area to purchase. A steering committee was formed. Mr. Lyon sat on that committee and was Planning Board Chairman at that time. At the first meeting the DEC initially stated they were not interested in anything outside the road which circumvented the swamp. Mr. Lyon had three farms on the border.

The Nelson Swamp Association was formed and had about 65 members. The Association hired an attorney to represent them. SEQR was done as was an impact statement. When they got to the last impact statement the DEC stepped back and pulled back to the wetlands. Mr. Owens noted there is a classified wetland the DEC established and used as a guide and went to the nearest property boundary to delineate that new unique area project boundary.

Mr. Owens noted the reasons for acquiring uplands were to link the interior parts of the parcel with road frontage to allow access to those interior parts. There is such an access by the Nelson Cemetery on Thomas Road, Erieville Road and Lyon Road.

Jim St. Pierre also noted that there was the thought of eminent domain; whether or not it happened. Fay noted there was no action taken by the Planning Board at that time. The DEC can drop their map wherever they want.

Mr. Owens noted that when acquiring land outside the project boundary there's what's referred to as local government approval where the Town Board has the authority to reject the project. When inside the project boundary there's no local government approval because it's a project within "the open space plan" and that would have gone through regional review. The Town Board could schedule a Public Hearing if they felt it was important.

The parties involved will need to, collectively, determine if they are interested in the entire parcel or would consider pursuing a subdivision. No action will be taken by the Planning Board at this time.

As there was no further business before the Board, a motion was made by Jim St. Pierre and seconded by Mike Emerson to adjourn the meeting. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Deborah J. Costello, Planning Board Secretary
Town of Nelson

