

Chairman John Dunkle called the June 2017 Planning Board meeting to order at 7:00 p.m. Present were Michael Emerson, Jim St. Pierre, John Dunkle, Sandy Palmer, Robert Carr, Diane Cass, Kathleen Maloney and Deborah J. Costello, Planning Board Secretary. Also present was Roger Cook, Code Enforcement Officer.

1. Minutes

An amendment was made to agenda item #2 Rebecca Huestis, line 2 of the heading to change to **...construct a 1,624 sq. ft. residence to "... 1,680 sq. ft. residence."** A motion was made by Sandy Palmer and seconded by Robert Carr to amend and approve the May 2017 minutes. There was no further discussion. All voted in favor.

2. Trish Bookbinder – 3564 North Lake Road (Blue Canoe) – Waterfront Zone -Tax Map #121.17-1-31 and vacant parcel across from Blue Canoe - Waterfront Zone -Tax Map #121.-1-6.14 – request to construct a parking lot and combine two parcels - Site Plan and Lot Consolidation

Lot Consolidation

A zone change was approved by the Town Board in 2016 for the vacant parcel across from the Blue Canoe to Waterfront Zone. A condition of the approval was to combine the Blue Canoe parcel of 1.337 acres with the vacant parcel of 6.476 acres for a total acreage of 7.903 acres. At the meeting, the applicants submitted a subdivision map showing consolidation of the two lots.

SEQR

In accordance with the Town of Nelson resolution No. 001-2014, the proposed lot consolidation is classified as a Type II action and therefore does not require SEQR review.

Approval

A motion was made by Kathleen Maloney and seconded by Diane Cass to approve a Lot Consolidation as depicted on a map prepared by David A. Vredenburg, titled "Lands of The Blue Canoe Realty, LLC" dated June 13, 2017 with the condition that the contiguous dimension of the formally combined separate properties be shown on the map prior to the maps being signed. There was no further discussion. All voted in favor. The motion carried.

Site Plan

Ms. Bookbinder appeared before the Planning Board in May with a proposal to construct a crushed stone parking lot on a 64 x 110 footprint on the 7.61 acre vacant parcel across from the Blue Canoe. Now consolidated with the Blue Canoe lot, the parking lot will provide 20 parking spaces, a berm will be located at the north end of the parking lot and a mature hedgerow will provide a 15 ft. buffer to the east property line and stream. The parking lot was partially constructed at the time of the meeting.

Jeff Stowell, contractor, will continue to grade the uphill side of the parking lot and install a catch basin over the existing culvert pipe along the edge of North Lake Road. This will allow up gradient runoff that could run onto the parking to lot be intercepted and drain into the catch basin. Half of the parking lot entrance will also drain into that catch basin. A cobble trench with a four (4) inch tile pipe will be installed on the west side of the parking lot and driveway. Wood chips will be installed on the west and north slopes next to the lot and a berm created. East of the parking lot will be grassed and slope to the existing natural hedgerow. There will be a stone dust walkway between two (2) existing maple trees to North Lake Road with foot lights.

Chairman Dunkle previously discussed revising the parking restrictions in the allowable areas near the parking lot with the Town Board. There was a discussion with the Highway Superintendent about a crosswalk marked to the current Blue Canoe lot. It was noted that the Highway Superintendent visited the site and expressed concerns about the parking lot drainage onto North Lake Road. Mr. Stowell noted they are not done grading and the parking lot will slope to the corner where it will drain away from the pavement. The only drainage into the road will be from the driveway. The Board requested Mr. Stowell contact the Highway Superintendent again to review the final grades.

Two (2) lights are proposed for the parking lot that will be dark sky compliant with downward directed shielded lighting as requested by the Board. Electric service to the lights will be installed underground. Reflectors will be installed to indicate the driveway/entrance. The surface of the parking lot will be crushed stone.

SEQR

The Board reviewed the submitted short form EAF. A motion was made by Jim St. Pierre and seconded by Michael Emerson 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 Jim St. Pierre and seconded by Diane Cass to approve a Site Plan titled “Blue Canoe Parking” dated June 13, 2017 with the following conditions:

- Final grading will prevent parking lot runoff from draining onto North Lake Road and final grading will be approved by the Highway Superintendent
- Lighting will be dark sky compliant, downward directed and shielded
- Reflectorized delineation of the driveway entrance/exit on North Lake Road will be provided

There was no further discussion. All voted in favor. The notion carried.

3. Arthur & Pamela Matthews – 3535 Rippleton Road – Site address: Welsh Church Road (across from the Welsh Church – Tax Map #109.-1-23.1 – Rural Zone and Scenic Overlay District -proposing to construct a 40' x 60' pole barn – Application sent to the Madison County Planning Department Special Use Permit – Public Hearing

Arthur and Pamela Matthews own a 67 acre parcel on Welsh Church Road across from the Welsh Church. The Matthews are proposing to construct a pole barn for hay and equipment storage. The Matthews sell hay and also use for their horses. They are currently renting a building on Cobb Hill Road for hay storage but would like something closer. There would be no outside storage. The building is proposed to be located across from the Welsh Church. Some site grading has already occurred. The Matthews are proposing a 40 ft. x 60 ft. building, 21 ft. high to the peak with 2 large doors in the front and back. No windows are proposed. There will be no power, water, lighting or signage. There will be fire extinguishers in the building. The structure will hold between 2500 and 3500 bales of hay. Mr. Matthews noted the hay isn't presold. They sell to Cazabu and will be advertising on Facebook.

Other locations for the barn were explored but were very steep, inaccessible in the winter or too close to the gas line. Mr. Matthews noted there is a 20 ft. to 30 ft. rise over 100-200 yards.

There was a discussion about whether this accessory structure could be constructed on the parcel without a primary residence. Roger Cook, Code Enforcement Officer, noted that agricultural use is an accepted use in that zone. The 2011 Town of Nelson Land Use and Development Law, Section 201.7 "Land uses meeting the criteria for "land used in agricultural production" as set forth in Section 301 of the New York State Agriculture and Markets Law." One definition in the NYS Ag & Markets Law is producing a crop and being able to store it. A building to store product or equipment is an accepted use under State guidelines. In this case, having a building without a primary residence is an accepted use and entitles the Matthews to have a barn.

Public Hearing

Chairman Dunkle opened the Public hearing at 7:42 p.m.

Tim and Carrie Barth, 3710 Welsh Church Road: The Barth's own Dani Riposo's former residence. The Barths' are concerned for their property and the views. The southwest side of the Barth residence faces the Welsh Church. The view was part of the reason the Barth's' purchased the property. When you travel down Welsh Church Road you see the rolling hills and the church and are something they want to protect.

The Barths are concerned about the unknowns; are there more structures to come based on the agricultural law that was previously referenced, is there the possibility there could be livestock in the future or will it be only hay? The Barths are not against the barn and understand the Matthews may need a place to store hay but are concerned about the close proximity to their property and are hoping there could be a different location for the barn.

Carrie Barth noted that to have the proposed structure across from the Welsh Church, a historical landmark, would be a detriment to the community.

Roger Cook, Code Enforcement Officer, responded to a comment made by Tim Barth regarding subsequent structures. Mr. Cook noted that if and when this proposal in front of the Planning Board tonight were approved any future buildings or activities on that parcel would have to come back before the Planning Board and go through the very same process because of its location in the Scenic Overlay District.

Carrie Barth noted the mention of the winters and lack of accessibility and wondered how much hay is put in in the winter and how much access would be needed. There's a lot of drifting and it's very wet in the spring. Ms. Barth is concerned about water damage to their property as everything slopes towards their property. Ms. Barth submitted some comments from community members who were unable to attend the Planning Board meeting:

Nadine Fiero, Buffalo: "Save this landmark please"

Tavia Gilbert, Syracuse: "Lovely spot, don't ruin itplease!"

George Van Arnam, Cary: "don't spoil a beautiful setting."

Terry Clark, Berkeley: "Such a beautiful church and loved by the community, it shouldn't be ruined by a pole barn across the street."

Janice Patz, Sewickley: "please save this beautiful and holy place!!"

Laura Braaten, Fayetteville: The Welsh church and surrounding vistas are precious. A large barn and farm equipment would mar this special landscape for ours and generations to come."

Karen Riposo, New York: "A huge metal barn will take away from the scenic beauty of the church."

Todd M. Vaas, United States: "There is enough empty land..go build elsewhere."

Kristi Andersen, Manlius: "One of the nicest spots in our community. Surely there are other places for the barn."

Gyata Storman, Jamestown: "Welsh Church and its view shed is an historical gem worth preserving."

Pauline Cecere, Eaton: "It would be a travesty to ruin our beautiful landscape with this barn. There will never again be a Welsh Church. We are so fortunate to still have it in our great town!"

Bob Gates, Syracuse: "My wife and I were married in this church, and have purchased a burial plot in the cemetery. Such a building would greatly diminish the beauty of this wonderful historic church."

Deborah Welsh, Syracuse: "This beauty, history and setting of this very church is VERY important to me and my family. My husband and I were married there, as was our son and several friends. We also bought a plot for our burial in the cemetery next door.. The building described would be a terrible eye sore. Please stop it!"

Elizabeth Claire, Virginia Beach: "My sister's grave is in the pretty little cemetery by Welsh Church. My nephew is buried there. It has been a spot of beauty and peaceful contemplation that would be totally overwhelmed by any obstruction of the views. Please do not allow the building of the proposed pole barn, and help the builders to find another location that will not disrupt the harmony of the view."

Wendy Simes and Paolo, 3720 Welsh Church Road: Ms. Simes hopes that if this occurs the equipment would stay in the building. The reason Ms. Simes bought the property was for the beauty of the land and we would want to protect that. Ms. Simes was concerned that hay storage would attract mice and other rodents. Ms. Simes was aware that if other buildings were proposed the applicants would have to come before the Planning Board and wondered if future buildings are planned or would there be livestock and what impact would livestock have on their water as they are on wells.

Paolo informed the Board that he and his grandmother walk near the church and the barn will block the view of the church and the barn might bring mice.

Tom Davies, Ryan Road: Mr. Davies is a 26 year resident of the Town of Nelson, president of the Nelson Union Cemetery and one of the few interested parties in keeping the Welsh Church open. Mr. Davies noted that for 141 years anyone has been able to crest Welsh Church Hill on Welsh Church Road and view the cemetery and church and for 141 years anyone has been able to turn onto Welsh Church Road from Old State Road and see the cemetery and church just as it is.

Mr. Davies is not against a building being constructed on the Matthews' property but would like the Board to look at some other options. Because of the efforts of prior generations the Welsh Church was put on the National Historic Register. Several weddings are held yearly because of the idyllic scenery that we have and is the attraction that brings people there for such an event.

Burial Plots are sold in the cemetery on a regular basis because of the idyllic settings. On Sunday nights during the summer between 40 – 80 parishioners come to the church and linger after the service ends because of the settings and we would like to keep it that way. Michael Brown's Funeral Home's website has a picture of the Welsh Church on the home page. Mr. Davies suggested everyone visit the website. You see the beauty that surrounds the Welsh Church; not a 40 ft. x 60 ft. Morton building.

Mr. Davies noted the tough job ahead of the Planning Board and noted that when you open up a Yankee Magazine you see pictures of Vermont or New Hampshire right here in "our little old Nelson and from the standpoint of the church, cemetery, generations that have gone ahead of us and for the Welsh heritage we have in this community (Mr. Davies is Welsh), would like to see what the Board could do to keep that. Mr. Davies thanked the Board for their time.

Chairman Dunkle thanked everyone for their comments. Chairman Dunkle explained that the 2011 Zoning Laws included a Scenic Overlay District that recognized the scenic resources in the community. Those districts were identified to give the Board an opportunity to look at things that happened in the Scenic Overlay District but was not set up to prohibit development or to state that any allowed use couldn't be allowed. Chairman Dunkle noted the applicants are allowed to have a barn on their property and the Board is not in a position to deny it simply because there may be a visual impact.

One of the roles of the Planning Board is to look at potential impacts of any proposal on resources we are trying to protect as in the Scenic Overlay District. The SEQR, the environmental review law, also must be reviewed. Two (2) of the significant impacts in the SEQR law, relevant to this proposal are

impacts to scenic and historic resources. The Board must look at this proposal to see how it does or doesn't impact the resources that we're trying to protect in the community.

Chairman Dunkle noted he is having a difficult time supporting a structure at this location given the potential impacts and hopes the applicant and Board can work together to find an alternative solution that will meet the needs of the Matthews and help protect the Town of Nelson resources.

Board member Diane Cass noted she would be more comfortable with some sort of barrier; trees, etc.

Board member Sandy Palmer visited the site and noted she would like to see it in a different location, possibly a wooden barn to look more old fashioned and not a 40 ft. x 60 ft. metal container.

Board member Kathleen Maloney noted that the fact the Welsh Church is on the National Historic Register and the Board has the Type 1 SEQR to review asked if it has to go to the State Historic Preservation Office (SHPO) for their review. Chairman Dunkle explained that SHPO is not an involved agency but would be an interested agency. The Board is within its jurisdiction to request SHPO's input. Kathleen noted that her recommendation would be to request the services of SHPO to review the application and offer their opinion based on how and when the nomination was written. In that process new guidelines have come and gone that deal with vistas and cultural landscapes which Kathleen felt this could be considered. SHPO will either say this is not a good idea or offer ideas for mitigation.

Board member Robert Carr also visited the site and felt, with this scenic resource, the proposed location was the "absolute worst spot" from the viewpoint of the Welsh Church and first impression was the proposed location was likely the easiest to access and the least expensive location available. Bob would like to see other location options.

Board member Jim St. Pierre was in agreement with his fellow Board members. Jim noted the last thing he would want to do is shut down agriculture or prevent someone from building and also felt the location was the "worst" as far as the Welsh Church was concerned and it was difficult for him to support the structure in the current proposed location. Jim would like to see the cost of building the barn in a different location.

Board member Michael Emerson noted all of the above and also visited the site. Mike discussed having the Scenic Overlay District in the current zoning to protect situations like the one before the Board. Mike also noted applications in the Scenic Overlay District have been before the Board previously with favorable outcomes; the Madden property on the hillside on Erieville Road. Mike noted that, to protect the church and surrounding neighbors, he could not support the proposal at this time.

Chairman Dunkle noted the comments from the Board and explained to the Matthews that if the Board continued to move ahead with the proposal as presented, it would produce the need for a Type 1 SEQR action. Going through the long form EAF (environmental assessment form), which is required for Type 1 actions, will likely identify some negative impacts from the project and as a result require the need for

an environmental impact statement. This is all because the proposed barn is adjacent to an historical structure and in a scenic area. This process will be expensive and the Matthews would be asked to look for alternative locations. Option two would be to halt the process, after hearing from the Board, and submit plans that explore alternative sites for the pole barn that would reduce or eliminate the impacts.

Mr. Matthews noted that beauty is in the eye of the beholder and felt agricultural buildings are beautiful. Mr. Matthews noted a memo that explained they would be willing to do whatever they had to do to follow through and complete this project. Mr. Matthews asked if the Board was suggesting landscaping. The Chairman noted it appeared the Board was suggesting alternative sites that were not in front of the church, rather than simple modifications to aesthetics.

The Board agreed to meet with the Matthews to walk the site on Welsh Church Road on Saturday, June 17th at 8 a.m. to explore alternative locations. Roger Cook, Code Enforcement Officer, asked if a site is identified, could the Matthews mark the site at the four (4) corners to allow the general public to get a general idea where the structure will be sitting.

The Public Hearing will remain open until the July meeting to allow the public to comment on whatever revised proposal may be before the Board at that time.

The Board discussed changing the meeting date of the July meeting. A motion was made by John Dunkle and seconded by Jim St. Pierre to reschedule the July 11th Planning Board meeting to Monday, July 17th at 7 p.m. There was no further discussion. All voted in favor. The motion carried.

4. Andrew (father) and Alex (son) Sapoznikov – 3026 Sunrise Boulevard – Waterfront Zone – Tax Map #134.9-1-37 - requesting to construct a second shed for storage and occasional sleeping overflow - Site Plan

The Sapoznikov's are proposing to build a shed on their quarter acre property on Eatonbrook Lake. There is a cabin, several decks and an 8' x15' accessory structure used for storage and sleeping quarters. The proposed second accessory structure will also be used for storage and for occasional sleeping quarters. The driveway is stone and was established in 1986. An illegal RV trailer is also parked along Sunset Boulevard. The applicants were informed the trailer will need to be removed.

There is no septic and water is drawn from the lake. There is an electric toilet housed in the 8' x 15' current accessory structure. The electric toilet was not approved by the Health Department. Roger Cook, Code Enforcement Officer, noted that it's an alternative method of disposal and New York State Health regulations require that the Health Department has to approve it. Alex Sapoznikov noted there is also an outdoor shower in the current accessory building and a portapotty on site.

There is a developed lot and an undeveloped lot on either side of the Sapoznikov property. The current use of the Sapoznikov property exceeds town coverage limits and is therefore non-conforming.

Andy Sapoznikov explained the water from the outdoor shower drains into a French drain and the shower gets very little use. The trailer, parked in the right of way, is used for storage and then to Florida in the winter. Roger Cook informed the applicants, that according to the Town of Nelson regulations, the trailer or RV is not allowed to be parked in the highway right of way. The trailer must be stored equal to or along the side, not in front of any house. Andy Sapoznikov noted it's impossible to store it by the camp. Roger noted it can be moved voluntarily or a letter would be sent requesting it be moved.

The Board noted the intense use and coverage on this very small lot and had concerns about supporting a structure that would further increase coverage and usage, especially without a septic system. Andy Sapoznikov noted there is limited space to install a septic system. Roger Cook noted that alternative methods of septic treatment can be acceptable by the Town of Nelson once it has been approved by the Madison County Health Department.

The Board noted the applicants may have used the lot for many years in this manner and have avoided the rules and regulations from the Town and Health Department but now proposing to add a structure subjects all of the uses on the property to review and compliance.

The Board emphasized the need to having a good septic system and water supply for the safety of the applicants, for the safety of the lake and for water quality where the property is contributing runoff that might have a negative impact on the lake. Mike Emerson noted that there didn't appear to be anything in the current zoning regarding the use of an accessory structure as sleeping quarters. He wondered if the Board were to approve this what would that mean for others around the lake who may want to do this. Roger Cook noted the zoning doesn't address any of this and this becomes a building code issue. Roger also noted that there are a number of structures constructed around the lake intended for overflow sleeping quarters. There are no kitchens, bathrooms and they are not rentals. Roger would be looking for smoke detectors, egress windows, two means of egress, door entering in, every bedroom has to have a secondary means of egress, specific size windows and whatever else is required by the building code. Bedrooms have to be a minimum of 70 sq. ft. Roger Cook noted that by the applicant adding an accessory structure that adds a bedroom or someone adding a bedroom in an existing structure and before a building permit is issued, he would have to make sure the septic system has been designed to accommodate the extra bedroom. Building code interpretation of families are extended families and the building code doesn't discriminate and that applies here.

The Board directed the applicant's to begin with reviewing options for a septic system with the Health Department. If a system can be designed to work on the lot, and another structure can be added without increasing impervious surfaces, the Board would then further consider the request.

5. Daniel Kingsley – 363 Funk Road – Waterfront Zone – Tax Map #133.9-1-36 – construct a garage – requires site plan, height variance and percentage of building coverage variance -Informal

Mr. Kingsley is proposing to construct a 30' x 28', 21 ft. high garage at 363 Funk Road. There will be no water or septic. There will be electric. The applicant will need variances for height (20 ft. is allowed in the waterfront zone) and for exceeding the percentage of lot coverage. An existing 10' x 12' shed will

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be removed once the garage is completed. A large pine tree will also be removed. The total square footage of the property is 11,513 sq. ft. Mr. Kingsley will submit a formal application for the August meeting and include a landscaping plan, lighting details and a plan for drainage.

Mr. Kingsley will meet with the ZBA July 18th. The Planning Board felt the Public Hearing with the ZBA would be sufficient.

As there was no further business before the planning Board, a motion to adjourn the meeting was made by Jim St. Pierre and seconded by Mike Emerson. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Deborah J. Costello, Planning Board Secretary
Town of Nelson