

Planning Board & Zoning Board of Appeals - Joint meeting - Town of Nelson
January 9, 2018
7:00 p.m. - Nelson Town Office
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Chairman Dunkle called the January 9th joint Planning Board and ZBA meeting to order at 7:00 p.m. Present were Michael Emerson, John Dunkle, Robert Carr and Sandy Palmer. Absent were Jim St. Pierre, Kathleen Maloney and Diane Cass.

ZBA

Present for the Zoning Board of Appeals were Carl Shaw, Acting Chairman John Foley, Eric Lints and Kathryn Eberst. Absent was Chairman John Tobin.

1. Minutes

A motion was made by Eric Lints and seconded by Carl Shaw to approve the Zoning Board of Appeals December 2017 minutes as presented. There was no further discussion. All voted in favor. The motion carried.

Acting Chairman Foley explained that Scott Bunting, John & Cindy Decker, Janet & Tom King and Joyce Sutphen are under contract to purchase 32 acres from William Magee which includes a 115'x72' non-conforming lot. Three newly created lots will go to the three adjoining property owners. The fourth lot is a non-conforming 115'x72 lot. The applicants are requesting a variance for the undersized lot which will remain undevelopable. At the December meeting the ZBA had inadvertently approved the variance request without having the recommendation from Madison County Planning which has since been returned for local determination.

Approval

A motion was made by Kathryn Eberst and seconded by Carl Shaw to approve a variance request for a non-conforming 115'x72' lot. There was no further discussion. All voted in favor. The motion carried.

Planning Board

1. Minutes

A motion was made by Sandy Palmer and seconded by Robert Carr to approve the December 2017 minutes as presented. There was no further discussion. All voted in favor. The motion carried.

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2. Celia Melenbacker & Victor Jackson Harris III - 2876 Tuscarora Road
Tax Map #133.-1-11 - Scenic Overlay District - proposing to build a 1,468 sq. ft.
Single family residence- Site Plan

The Madison County Planning Department's recommendation has been received and it was suggested the Planning Board request a Site Plan. Jeff Stowell, representing the applicants, acknowledged a site plan had been sent but had not been received for tonight's meeting. Chairman Dunkle asked that the limits of clearing be shown as well as the well and septic. The board will review at the February meeting if a site plan is received.

3. Scott Bunting - Tax Map #133.17-1-8 (2778 Erieville Road); John & Cindy Decker
Tax Map #133.17-1-1 (2768 Erieville Road); Tom & Janet King - Tax Map #133.17-1-19 (2772
Erieville Road and Joyce Sutphen - Under contract to purchase 32 acres from William Magee
Tax Map #133.-1-2.1 - (Erieville Road) - proposing to subdivide among the applicants
Waterfront Zone

The Board reviewed the subdivision plan showing the reconfiguration of three existing lots and the creation of a new fourth (4th) lot on the lake. The new 115'x72' lot does not meet the zoning criteria for a new lot and therefore required a variance from the ZBA, which was previously granted, with the condition that no building be allowed.

The Board and Town Attorney reviewed the proposed deed language and requested it be modified to exclude impervious surfaces and structures. Fences and docks would be allowed. These restrictions would apply unless the substandard lot was combined with another property in the future.

The Board noted some conflicting and confusing depictions of old and new property lines on the plans and also discussed the easements that needed to be shown on Lot #4 and Lot #2.

Chairman Dunkle reminded the applicants to show the lots tied together and the total acreage for each lot be clearly defined. An easement will remain on Lot #2 for the Decker septic system.

Public Hearing

Chairman Dunkle opened the Public Hearing at 7:30 p.m.

Vikas Goel, 2829 Erieville Road, asked if there are any residences proposed for the back of the

larger parcel. The Decker's noted there are not and that is the reason they are buying it. Chairman Dunkle noted the piece is large enough that the property owners could create additional development if they choose. However, they would have to go through another process with the Planning Board. At this time, they are only proposing to re-subdivide the property lines.

Eric Lints, 3970 Nelson Heights Road and ZBA Board member; Mr. Lints noted he is not a neighbor of this property but a member of the community and ZBA board member. Mr. Lints noted he is fully in favor of this resolution to a problem and applauds the applicants getting together. Mr. Lints believes it reduces or eliminates the "level of noncompliance of one property and certainly reduces the level of noncompliance of two other properties." Mr. Lints noted that without changing the size and dimensions of Lot #4 there is no negative effect.

Chairman Dunkle noted the applicants will need a modified subdivision map and deed language and easement with the following;

- the modified lots connected on both sides of the road
- removal of old survey lines
- redefine Lot #1
- correct the easement for Kays' Store on Lot #4
- submit a final version of the deed language for Lot #4
- show the easement for the septic on Lot #2

Mr. Magee and all applicants will need to sign the final map. Signature lines will need to be added. The Public Hearing will remain open until the February meeting pending receipt of the modified map.

4. Steven McCarthy - 343 Funk Road - Waterfront Zone - Tax Map #133.9-1-36 - proposing To consolidate two parcels - also proposing a 560 sq. ft. pre-built storage building/garage placed on a stone base - Lot Consolidation and Site Plan - Approval

Mr. McCarthy submitted a survey map correctly showing the two parcels but not showing them combined. Chairman Dunkle explained it's a matter of having the surveyor draw a "Z" or a hook showing the two parcels connected. The combined acreage of the two lots is .322± acres. Everything else is correctly noted. Mr. McCarthy noted the septic is located at the back corner of the house.

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SEQR

In accordance with the Town of Nelson Resolution #01-2014, the proposed Lot Consolidation is classified as a Type II action and therefore does not require SEQR review. It also does not require a Public Hearing

Approval - Lot Consolidation

A motion was made by Michael Emerson and seconded by Robert Carr to approve a lot consolidation as depicted on a map titled "Boundary Line Survey, For Lot Consolidation Steven J. McCarthy 343 Funk Road Town of Nelson Madison County State of New York" as prepared by Tooker Land Surveying, PLLC dated December 15, 2017 with the condition that the two lots are graphically shown to be combined prior to the Chairman signing. There was no further discussion. All voted in favor. The motion carried.

Site Plan

Mr. McCarthy is proposing a 560 sq. ft. pre-built garage at a height of 11 ft. 6 inches. It will be the same color as the existing house and meets all setbacks. A ramp to the proposed garage will be crusher run. The garage will be more than 20 ft. from the rear yard line, 40 ft. from the front and 18 ft. from each side yard line. There is no lighting or electricity proposed. Mr. McCarthy will provide some conventional landscaping around the garage.

SEQR

In accordance with the Town of Nelson Resolution #01-2014, the proposed garage is classified as a Type II action and therefore does not require SEQR review. It also does not require a Public Hearing.

Approval

A motion was made by Robert Carr and seconded by Michael Emerson to approve a 14'x40', 11' 6" high one car garage as depicted on the submitted plans dated October 16, 2017 with

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the following conditions:

- Landscaping be added around the perimeter and front of the building
- There will be no exterior lighting
- The structure will comply with all setbacks

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

5. Gordon & Debra Randall – 4079 & 4078 Argos Road – Rural Zone – Tax Map #97.-1-6.5 (Randall) #97.-1-6.311 (Meigs) – were given approval in November 2013 but did not file a final map – have amended map – Lot Line Change - Approval

The Randall's appeared before the Planning Board on November 12, 2013 requesting a lot line change between their property at 4079 Argos Road and the Meigs' property at 4078 Argos Road. The Randall property increased from 3.04+ acres to 3.41+ acres. The Meigs' property decreased from 4.62+ acres to 4.25+ acres. The Meigs' septic system was on the Randall property. The Meigs' deed allows them access to service the well and septic. The shared Meigs' driveway allows the Randall's access to their property.

The applicants submitted an amended map that eliminated the cross uses. The Randall property (Tax Map #97.-1-6.5) will now be 3.746+ acres and the Meigs property (Tax Map #97.-1-6.311) will now be 3.914+ acres. The Meigs' septic and well will now be located on their property.

SEQR

In accordance with the Town of Nelson Resolution #01-2014, the proposed lot line change is classified as a Type II action and therefore does not require SEQR review. It also does not require a Public Hearing.

Approval

A motion was made by Michael Emerson and seconded by Sandy Palmer to approve a Lot Line Change as depicted on a map titled "Line Change Map Between Lands of Gordon & Debra Randall and Eric & Anisa Meigs #4078 & #4079 Argos Road Part of Lot 10 & 11 Town of Nelson, Madison County, New York and prepared by David A. Vredenburg, Licensed Land Surveyor, revised and dated November 20, 2017. There was no further discussion. All voted in favor. The motion carried.

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6. Stephanie Parker Tait - Informal

Ms. Tait is interested in purchasing property on 2986 Route 20 in the Rural Zone to reside in and have her Reflections of You beauty salon. Ms. Tait would need at least 10 parking spaces and technically would not have employees. It was noted there would probably be quite a bit of excavation to create a parking lot. She currently has 5 women who rent space from her and are not always at the salon at the same time. Her husband has a business and would also work from the residence and wouldn't generate any additional traffic. Ms. Tait noted she has not purchased the property and wanted to make sure the proposed use would be allowed.

Roger Cook, Code Enforcement Officer, noted this proposed use doesn't meet the requirements for a Home Occupation because Ms. Tait will have additional employees. If she were the only employee it could probably be done with a Special Use Permit. It would be classified as professional services.

Chairman Dunkle noted the Tait's could ask the Town Board to amend the zoning code but it would be a very lengthy process. A Use Variance could be applied for but it would be difficult to demonstrate hardship. It was also noted that if the Town Board were to amend the zoning code it could open the door for other properties in that zone so we are very reluctant to do for one property. Chairman Dunkle noted it would be longshot.

The Tait's asked the Board to keep them in mind if they hear of any other properties that their proposed use would fit into and noted they would like to find a property that would allow them to live on the property as well as have a business.

As there was no further business before the Planning Board, a motion was made by Michael Emerson and seconded by Robert Carr to adjourn the meeting. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Deborah J. Costello, Planning Board Secretary
Town of Nelson Planning Board

