

Planning Board – Town of Nelson
December 12, 2017
7:30 p.m. – Nelson Town Office
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Chairman John Dunkle called the December 12th Planning Board meeting to order at 7:30 p.m. Present were Michael Emerson, Jim St. Pierre, John Dunkle, Robert Carr, Kathleen Maloney, 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 Kathleen Maloney and seconded by Robert Carr to approve the November 2017 minutes as written. There was no further discussion. All voted in favor.

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

Jeff Stowell, Contractor, is representing Ms. Melenbacker and Mr. Harris in the absence of the Developer, Gene Rotunda. The applicants are proposing to a 1,468 sq. ft. single family residence at 2876 Tuscarora Road away from the lakeside. The driveway has been cut in. The property is located in the Scenic Overlay District. The application is subject to review by the Madison County Planning Department because of its location on a County road. However, no GML has been received. The Board will review the application at the January meeting.

3. Douglas & Marilyn Beard – 3597 Jones Road – Rural Zone – Tax Map #109.-1-22.2 -subdivide 24+ acres to create one 12.199 acre lot with house and garage and an 11.534 acre lot – Subdivision Public Hearing

The Beards are proposing to subdivide 24+ acres and create a 12.199+ acre parcel and a 11.534+ acre parcel. The property is located at 3597 Jones Road on both sides of the road. The perk test has been completed and the proposed new lot is deemed buildable.

Public Hearing

Chairman Dunkle opened the Public Hearing at 7:40 p.m. There were no public comments. A motion was made by Robert Carr and seconded by Jim St. Pierre to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:40 ½ p.m.

SEQR

The Board reviewed the submitted long form EAF. A motion was made by Jim St. Pierre and seconded by Sandy Palmer to a. 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 Michael Emerson to approve a two (2) lot subdivision as shown on a map titled “Resubdivision Map of Lot 1, Lands of Douglas & Marilyn Beard (Jones Road), Parts of Lot 63 & 64 Town of Nelson, Madison County, New York” as prepared by David A. Vredenburg, Licensed Land Surveyor and dated October 23, 2017. There was no further discussion. All voted in favor. The motion carried.

4. David & Debra Hopkinson – (represented by William Ferraldo, Harmony Architectural Associates) 844 McCarthy Road – Waterfront Zone – Tax Map #121.17-1-30 – proposing to replace the existing camp, car port and deck with a new 3 bedroom, 1,463 sq. ft. home an attached garage (552 sq. ft.) a lakefront deck (958 sq. ft.) – Site Plan – Public Hearing

The Hopkinson’s, represented by William Ferraldo of Harmony Architects, are proposing to demolish an existing structure and replace it with a new 1,463 sq. ft. 3 bedroom home, 552 sq. ft. 24’x24’ two (2) car garage and a revised 900 sq. ft. lakefront deck on the .51 acre lot. The house footprint will be shifted closer to the lake to the front edge of the existing deck. Storage is proposed over the two (2) car garage. The original house is 962 sq. ft. The proposed new structure is about 1,463 sq. ft. A 96 sq. ft. entry porch is also proposed. The height will be below the 30 ft. allowed. Mr. Ferraldo noted the reason for shifting the footprint forward is to avoid disturbing the septic tank and pump chamber. The expanded footprint is within the 10% allowed for a principal structure in the waterfront zone.

No formal driveway is proposed. Access to the proposed garage will be across an existing grassed area. A brick walkway and stone steps to the lake will remain. The percentage of impervious coverage increases from 9.7% to 17.5 %. To offset some of the impervious coverage, a raingarden has been proposed. All roof surfaces runoff will be guttered and directed to the raingarden. Junipers will be planted along the lakeshore to capture stormwater runoff. There are no variances being requested.

Public Hearing

Chairman Dunkle opened the Public Hearing at 7:59 p.m.

Tom Bock, 851 McCarthy Road, noted he is a PE and land surveyor and looks over the roof to the lake. Mr. Bock distributed the attached letter which was read into the record by the Chairman.

Mr. Bock proceeded to re-iterate each of the concerns noted in the letter and also expressed concerns about the raingardens, which, in his opinion are just cosmetic landscaping.

Roger Cook, Code Enforcement Officer, clarified some of the issues raised by Mr. Bock:

- McCarthy Road is a private road, therefore , the property is not considered a corner lot
- The property is considered to have three (3) side yards
- Access for all of the properties on McCarthy Road is a deeded 30 ft. access easement

- The lot, like all others in the area, is a pre-existing, non-conforming property, and as such the proposal does not require any variances

Mr. Bock stated that he would like to see the proposed structure re-built on the same footprint with no changes to any of the surrounding properties' views of the lake.

The Board requested that Roger Cook respond in writing to some of the technical issues raised by Mr. Bock and asked Mr. Ferraldo to respond as well and to photograph the current view of the lake from each of the surrounding properties and provide photo simulations of the proposed new structure.

The Board was also concerned about the alleged access easement across the Hopkinson's property to the lake which could impact coverage issues. The Board requested Mr. Ferraldo to confirm the easement and to show it on the property site plan and to recalculate coverage excluding the encumbered easement area.

Bob Berkey; 860 McCarthy Road, closest property to the Hopkinson's

Mr. Berkey expressed concerns that relocating the structure closer to the lake would significantly reduce the Berkey's view of the lake to the south. He also expressed a concern on how the proposed garage would reduce the lake views of the other surrounding properties. Mr. Ferraldo requested permission to photograph the Berkey's current view and Mr. Berkey agreed.

Mr. Berkey also noted that Section 402.6 of the Zoning Code emphasizes maintaining the scale, character and views of the lake front areas.

Steve Ratliff; 863 McCarthy Road

Mr. Ratliff was concerned the overall size of the proposed house is out of scale with the surrounding properties and will block views and will devalue property values. The proposed garage in particular will affect others' views the most. Safety and repair issues with the private access road during construction are also a concern. Mr. Ratliff also questioned the legality of the Hopkinson lot, which does not have direct access to a public road as noted in Section 807 of the Zoning Code. Roger Cook explained that all of the lots on McCarthy Road are grandfathered from that requirement. Mr. Ratliff noted that he could support a reconstruction of the structure on the same footprint.

Karen Gage; 841 McCarthy Road

Ms. Gage stated her lake view would be impacted when the new structure is moved closer to the lake. She also requested that the lake access easement across the Hopkinson property for the 16 properties should be shown on the site plan and should not be impacted by the new structure.

Ms. Gage noted the proposed structure will be significantly larger than all of the surrounding structures

and questioned the legality of such an increase on a non-conforming lot. She requested that only an in-kind replacement of the existing structure be allowed.

Mr. Kowaleski, 3542 North Lake Road

Mr. Kowaleski was concerned that the proposed garage would obstruct the view of the lake from his property. He stated the proposed structure is too large and out of character with the neighborhood. His preference would be for the owners to improve the existing structure instead of building a new one.

There were no further comments from the public. The Chairman noted that handwritten comments had been received from:

Paul & Karen Gage
Thomas Bock
Steven & Heidi Ratliff (2)
David & Dea Kershaw

A motion was made by Jim St. Pierre and seconded by Sandy Palmer at 8:52 p.m. to continue the Public Hearing until the next meeting. There was no further discussion. All voted in favor. The motion carried.

The Board summarized the significant issues raised by the Public:

1. The proposed structure will impact adjacent property owners lake views
2. The proposed structure is not in scale or character of the neighborhood
3. The lake access easement on the subject property may impact coverage limits
4. Maintenance of McCarthy Road needs to be addressed by the property owners

The Board requested the applicants address all the issues raised by the public for the next meeting.

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 new amended map – Lot Line Change (Minutes from the November 13th, 2013 meeting included in the original application was dated October 31, 2013)

Neither the Randall's or Meig's were present. 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 would have increased from 3.04+ acres to 3.41+ acres. The Meigs' property would have decreased from 4.62+ acres to 4.25+ acres. The Meigs' septic system is 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.

A public hearing was held. Mr. Meigs was aware of the septic and well on the Randall property and he was seeing the subdivision map for the first time. The Board approved the lot line change.

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After the approval, Mr. Meigs was not happy with the approved lot line change and proposed another modification. A revised map showing the latest desired lot configuration was created by David Vredenburgh, LLS on November 20, 2017 and presented by Roger Cook. The Randall property would become 3.746± acres and the Meigs' property will become 3.914± acres. The applicants will be requested to attend the January 2018 meeting to discuss further and to confirm agreement by all parties.

As there was no further business before the planning Board, a motion was made by Robert Carr and seconded by Jim St. Pierre to adjourn the meeting. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Deborah J. Costello, Planning Board Secretary
Town of Nelson