

Chairman John Dunkle called the September 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, Diane Cass and Deborah J. Costello, Planning Board Secretary. Also present was Roger Cook, Code Enforcement Officer.

1. Minutes

A motion was made by Robert Carr and seconded by Diane Cass to approve the August 2017 minutes as written. There was no further discussion. All voted in favor.

2. 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 Continued

The Public Hearing has been continued for the Matthews’ proposal for a pole barn adjacent to or near the Welsh Church on Welsh Church Road. The Matthews’ have sent correspondence indicating they are withdrawing their application. Mr. Matthews had begun construction of a driveway and the Board discussed having the Matthews’ restore that to the pre-disturbance condition.

Public Hearing

A motion was made by Diane Cass and seconded by Kathleen Maloney to close the Public Hearing for the Matthews’ proposal. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:35 p.m.

A motion was made by Jim St. Pierre and seconded by Sandy Palmer to require the Matthews’ return the driveway site to its pre-disturbance condition. There was no further discussion. All voted in favor. The motion carried.

3. Paul & Carol Buell – 3618 North Lake Road – Waterfront Zone – Tax Map #121.17-1-45 proposing to replace an existing 9 ft. x 12 ft. deck with a new 16 ft. x 9 ft. deck which will be farther back from the shoreline – Site Plan

The Buell’s are proposing to remove an existing 9’x12’ deck and construct a new 16’x9’ deck. The proposed new deck reduces the nonconforming setback from the lake. The lot coverage is under the lot coverage allowed in the waterfront zone. The deck height will be less than the 8 ft. allowed. No variances are needed. The surface under the deck will not be a hard surface. Steps will have handrails on both sides and wider risers. Mrs. Buell noted the groundcover between the building and lake is weeds, some grass and a natural lakeside. The applicant is trying to encourage plantings to grow and provide a filter to the water.

The consensus of the Board was no Public Hearing is required.

SEQR

In accordance with the Town of Nelson Planning Board Resolution No. 001-2014, the proposed minor addition to the existing structure is a Type II action and therefore does not require SEQR review.

Approval

A motion was made by Jim St. Pierre and seconded by Sandy Palmer to approve the proposed 16'x9' deck modification as depicted on a site plan dated August 24, 2017. There was no further discussion. All voted in favor. The motion carried.

4. Suzanne Burns – 3693 North Lake Road – Waterfront Zone – Tax Map #121.18-1-1 has constructed a 12 ft. x 16 ft. deck – Site Plan

Ms. Burns has constructed a 12'x16' deck. Chairman Dunkle reminded the Board Ms. Burns came in last year and was given approval for seawall reconstruction with the condition that landscaping be done to mitigate runoff to the lake. Ms. Burns noted plantings had been installed Sunday and plantings were done on either side of the deck and not between the deck and the water. Ms. Burns noted she couldn't put plantings between the structures and lake because of the boat hoist and dock. It was the consensus of the Board that additional landscaping is needed.

The applicant is within the lot coverage allowed in the waterfront zone. The applicant will require two variances; a lakefront variance of 5 inches (applicant has 4'7") and a 22 ft. variance from the road (the applicant has 3 ft.). It was noted that if the deck had not been built and the variance request(s) is significant the Planning Board and the ZBA would be asking the applicant for mitigation for the runoff as a result of the deck being built.

The Planning Board expressed concerns to the ZBA about 1) the lack of vegetation agreed to for the seawall and 2) the deck and additional impervious runoff. The applicant was asked to submit a specific mitigation landscape plan for the October Planning Board meeting if the variances are granted.

5. Patricia & Dave Amico – 3996 Thomas Road – Rural Zone – Tax Map #108.2-3 – proposing to construct a third accessory structure and relocate an existing 10 ft. x 14 ft. shed to back of property Special Use Permit –Public Hearing

The Amico's are proposing a 24'x36' barn within the allowed height in the Rural zone on a 1.77 acre lot. The Amico's are requesting a Special Use Permit to allow a third accessory structure where 2 are allowed.

The proposed barn will be used for storage and hay. No variances are required. Currently on the property is a house, a 16'x24' barn and a 10'x14' shed. Mr. Amico has moved the 10'x14' shed to the rear of the property. The proposed barn will be similar in architecture and color with the other

structures on the property. There will be a man door and two (2) overhead doors. The applicants currently have one horse and two (2) goats and due to the lot size no additional animals will be allowed. Manure is removed off the property to another location. There will be exterior lighting at the man door and overhead doors.

Public Hearing

Chairman Dunkle opened the Public Hearing at 8:04 p.m. There were no public comments. A motion was made by Jim St. Pierre and seconded by Robert Carr to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 8:04 ½ p.m.

SEQR

The Board reviewed the submitted short form EAF. A motion was made by Jim St. Pierre and seconded by Kathleen Maloney 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 Sandy Palmer to approve a Special Use Permit for a 24'x36' third accessory structure at 3396 Thomas Road to be located as shown on the submitted site plan with a height not to exceed 25 ft. with architecture and color similar to existing structures on the property with the following conditions:

- No additional animals are allowed
- Lights be installed at the man door and overhead doors and will be dark sky compliant and downward directed
- Manure will continue to be removed off site

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

6. Scott Dutcher – 4531 Eatonbrook Road – Waterfront Zone – Tax Map #134.18-1-51 proposing to construct a 10'x12' deck and a 12'x21' deck – Submitted to Madison County Planning - Site Plan

Scott Dutcher is proposing to build a 10'x12' deck and a 12'x21' deck on a .22 acre parcel on 4531 Eatonbrook Road. The lot is steep and sloping from the road. There is an existing 10'x12' cottage used for changing and occasional sleeping. There is no water and no kitchen. There is electricity and a composting toilet. The applicant is within the allowed lot coverage. One deck will be constructed near the entrance, coming off the road, by a side door of the cottage. The second deck will be constructed along the front of the cottage on the lakeside. The applicant noted the height will be

The applicant noted the height will be 8' or less. The shoreline is naturalized.

A pine tree on the south side will remain. Several small trees interfering with the view of the lake will be removed and the stumps will remain. Chairman Dunkle informed the applicant that the application had been referred to the Madison County Planning Department and their response had not been received. Therefore, the Board could not take any action but it was noted the Board could support the proposal with some conditions.

The consensus of the Board was no Public Hearing was needed.

7. John & Abbie Redmond – 2753 Tuscarora Road – Waterfront Zone – Tax Map #133.17-1-27 proposing to build a boulder retaining barrier to enable filling to level about 30 ft. alongside home (northeast) – Submitted to Madison County Planning – Site Plan

Mr. Redmond is proposing to build a boulder retaining wall and fill to a 30 ft. level along the northeast side of the structure to allow access to the lawn, shore and boat launch. The boulders will be in character with the existing wall. Mr. Redmond noted the area, as it is now, won't hold soil for anything and runs off during a storm. Mr. Redmond explained the area to be stabilized will remain permeable. The current area is mostly gravel and hard fill and impermeable.

Mr. Redmond's application has been referred to the Madison County Planning Department and their response had not been received. Therefore, the Board could not take any action. The consensus of the Board was the proposal is approvable with some mitigation with landscaping.

8. Matt Vredenburg – Wayne & Cynthia Burmaster Tax Map #134.-2-4.27, Fox Hill Road Waterfront Zone and Charles & Rebecca Burmaster, No Tax Map # assigned yet, Fox Hill Road Waterfront Zone - Informal

Charles & Rebecca Burmaster, represented by Matt Vredenburg, are proposing a two story wood frame house (one story with walkout), 30 ft. in height, with a 2-car garage and will include modifications to the existing driveway and the addition of a patio, deck and walkway. (Note: Tax Map # not known yet). A shed is also proposed for storage. The Board discussed the shed and its proximity to a stream. An area was previously cleared for a septic system. Several more trees could possibly be removed. There is no shoreline development proposed.

Wayne & Cynthia Burmaster, also represented by Matt Vredenburg, are proposing to construct a two story wood frame house with an attached garage, a barn and driveway and common related amenities to include a walkway, patio and porch on a heavily wooded lot. (new tax map not known yet) The applicants will need to confirm perk and a septic system can be installed and define the limits of clearing. Matt Vredenburg noted issues with bedrock. Roger Cook, Code Enforcement Officer, questioned how far the septic would be from where the perk test was actually done and even though it perked, the applicants would have to have another perk test done in the proposed area.

The Board discussed grading and how to manage driveway runoff and a detailed stormwater management plan. Roger Cook noted the property was walked with Mike Johnson of Soil & Water several years ago. Mr. Johnson noted that there shouldn't be a lot of disturbance, on the south lot, where the stream comes down and where the waterfall is. The Board discussed avoiding concentrating runoff but instead to spread it out by creating sheet flow. One suggestion was a culvert discharging into an area of hemlocks. The canopy of trees will screen both structures. Chairman Dunkle noted a previous issue about stripping the branches from the trees to allow a view of the lake. Both Wayne and Charles have no plans to do that.

The Board asked the applicants to do the following:

- Move the proposed shed and maintain the integrity of the stream
- Provide photo simulations from the lake for both lots
- Establish clearing limits on both lots
- Perform a perc test on the north lot
- Develop erosion, grading and storm water plans for each lot
- Maintain no disturbance at the shorelines with no structures near the shore and no branch stripping of trees
- Provide septic locations. This will be key to establishing clearing limits and final site plans
- The properties are in the scenic overlay district and a public hearing will be required at the appropriate time

9. Patricia Sacco, Sacco Family Trust – 3721 North Lake Road – Waterfront Zone
Informal

The Sacco's own two parcels and have a drainage ditch at the back of the house. Everything runs down from the north across that and ties into another situation where water flows across North Lake Road onto the McCarthy property which is on the lake. Roger Cook, Code Enforcement Officer, noted there's a drainage problem all along North Lake Road from the Blue Canoe down. The Sacco drainage ditch has been cleared out over time and runs from east (rear) of the property to the west. The Sacco drainage ditch dumped into a natural drainage way. Ms. Sacco noted she had water running into the basement of the house which triggered her to have the drainage ditch widened. Roger Cook then received complaints regarding that work and noted Ms. Sacco needed Planning Board approval. Roger Cook issued a notice of violation and Ms. Sacco complied, met with Roger Cook and completed a Site Plan application.

Everyone acknowledges there is an issue and Supervisor Bradstreet will be in contact with Soil & Water asking them to look at the bigger picture. The material from the ditch was piled on the upside of the ditch about 3 ft. to 4 ft. high especially on the western side. Roger Cook had them level that out, install jute and grass seed to stabilize it. Ms. Sacco lives in Arizona and is here during the summer months.

Roger Cook asked the Board to begin thinking about what they might want to do but didn't know if

there was actually a correction to this. The Zlomeks are neighbors to the west and own the property where the stream comes down through. Mr. Cook noted everyone down through there has had problems over time.

Chairman Dunkle noted this is part of a bigger drainage management plan. Ms. Sacco created a larger area to capture the water with an outlet that takes the water off of her property and onto someone else's property. Matt Zlomek, neighbor to the west, noted he is getting runoff from the Sacco property, the stream banks are eroding and he is losing a maple tree. Mr. Zlomek was asked if he was amenable to having work done on his property. Mr. Zlomek felt having work done on his property would not be sufficient but that another pathway parallel to the Sacco property is needed. Mr. Zlomek noted conversations with the Town Board and it's his understanding that the Town is going to create an open ditch from the culvert to the Sacco property.

There has been no engineer study done. Chairman Dunkle noted there may need to be some type of flow retardant and possible rechanneling. The need for a Drainage Management Plan along North Lake Road and tying the Sacco drainage issue into what's being done on North Lake Road was discussed. It may be the Sacco's will be responsible to hire an engineer. Chairman Dunkle explained there can be many different 100 year rainstorms lasting 6 hours, 10 hours or even 24 hours but only one 100 year rainfall that creates a 100 year flood. The Board agreed it was not their position to try and solve the drainage problems in that area.

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 Robert Carr. There was no further discussion. All voted in favor and the motion carried. The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Deborah J. Costello, Planning Board Secretary
Town of Nelson

