

ZBA Meeting
October 17, 2017
Nelson Town Office – 7 p.m.
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ZBA Chairman Tobin called the October 17, 2017 ZBA meeting to order at 7:00 p.m. Present: Carl Shaw, John Tobin, Eric Lints, Kathryn Eberst and Deborah J. Costello, ZBA Secretary. Also present was Roger Cook, Code Enforcement Officer. Absent was John Foley.

1. Minutes

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

2. Patrick and Erica Gilmore – 3402 Old State Road – Rural Zone – Tax Map #108.-2-44 -signage and events – Informal

The Gilmore's have approached Gary Mason, owner of property at the corner of Route 20 and Erieville Road, about having a sign for their business on his property. There are others that have also asked about putting a permanent sign there. Mr. Mason felt this is a zoning issue and has spoken with Roger Cook, Code Enforcement Officer. The applicants' were advised the ZBA doesn't usually get involved unless a larger sign than allowed is being requested.

Board member Eric Lints referred to Section 617.4 of the Town of Nelson Land Use Regulation which states "Location. Signs must be located on the premises of the business they advertise. One sign structure is permitted per lot. In the event that more than one business use is approved on any one lot, the size of the sign may be modified by Special Permit from the Planning Board." This sign would not be on the premises of the business. However, it was noted this may fall under the Route 20 Corridor.

The Gilmore's have applied for a farm wine license and would like to have a patio on the side of the café to allow outside seating. The applicants would also like to hold events which would be seasonal. The kitchen is available for catering and portable bathrooms would be available. Chairman Tobin noted the problems with Owerá Vineyards and the proposal would be looked at closely.

Pat Gilmore pointed out noise could be an issue and will speak to the surrounding neighbors and acknowledged there will be limits as to what they can do. It was also noted they ZBA has to make sure current neighbors, as well as future neighbors, are protected while trying to accommodate what the applicants would be proposing.

3. Scott Bunting – #133.17-1-8 (2778 Erieville Road), Deckers – #133.17-1-1 (2768 Erieville Road) Kings - #133.17-1-19 (2772 Erieville Road) and Joyce Sutphen - under contract to purchase property owned by William Magee –#133.-1-2.1- Erieville Road – Proposing to purchase and subdivide among the above – Informal

Mr. Bunting explained that a group of property owners on Erieville Road are under contract to purchase 23 acres on Erieville Road from William Magee that includes waterfront. Kay's Store is not included in the 23 acres but has a 10 ft. easement to the lake. One owner could not afford the \$80,000 purchase price so a group of property owners are attempting to purchase the 23 acres. Each applicant would add

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a part of the 23 acres to each of their existing properties. Mr. Bunting's leach field is on the Magee property. There had always been an unspoken easement between the families but that has been relinquished now that Mr. Magee is selling the property. The applicants are asking for a variance for a 0.180 acre, 115'x72' stand-alone lot on the waterfront. This 0.0180 acre parcel would only be used to dock a boat by applicant Joyce Sutphen. The potential owners noted they would agree to deed restrictions that would prohibit any development on the lot. No new lots are being created. The property is on a County road and will need review by the Madison County Planning Department which has 30 days to review and make a recommendation.

The sale is contingent on the applicants getting approval for the variance and subdivision approval. They have met with the Planning Board. The Planning Board felt it was a good idea for the general neighborhood but were concerned about the creation of a small non-compliant lot which would require a significant area variance from the ZBA. The ZBA Board noted this is a unique situation and saw no downside. This proposal improves the non-conformity of the other 3 lots and adds additional land in the event of some sort of septic issue. Legal language will need to be created by Mr. Bunting's Attorney and reviewed by the Nelson Town Attorney for presentation at the formal meeting.

As there was no further business before the Board, a motion was made by Eric Lints and seconded by Kathryn Eberst to adjourn the meeting. There was no further discussion. All voted in favor. The motion carried. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Deborah J. Costello, Secretary
Zoning Board of Appeals
Town of Nelson