

December 19, 2017
ZBA Meeting
Nelson Town Office – 7 p.m.
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ZBA Chairman Tobin called the December 19th, 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. Absent was Roger Cook, Code Enforcement Officer.

1. Minutes

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

2. 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 – request variance for a 115’x72’ small non-conforming remaining lot **Public Hearing**

Mr. Bunting, John & Cynthia Decker, Thomas & Janet King and Joyce Sutphen, all on Erieville Road, are under contract to purchase 23 acres owned by William Magee located on Erieville Road that includes waterfront. Kay’s Store is not included in the 23 acres but has a 10 ft. easement to the lake. Mr. Bunting’s septic is on the property owned by Mr. Magee and has been for many years.

The sale is contingent on the applicants getting subdivision approval. Each applicant would be adding a part of the 23 acres to their existing property. A small 0.180 acre stand-alone lot would be created on the waterfront. This parcel would be purchased by Joyce Sutphen who resides on Funk Road and would only use this lot to dock her boat. The stand-alone lot would require a variance. The applicants will have legal language drafted that would not allow any development. The applicants previously met with the ZBA informally and the consensus of the Board was favorable to this proposal. Everyone visited the site.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:04 p.m. Vikas Goel of 2829 Erieville Road asked where this property was located. He was asked to look at the proposed map. He was favorable to the proposal. There were no other public comments and no written comments.

A motion was made by Carl Shaw and seconded by John Foley to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:05 p.m.

Chairman Tobin spoke with Roger Cook, who was unable to attend the meeting, regarding the language of the restrictions on this 115’x72’ lot. The language will be incorporated into the submittal to the Planning Board and become part of the record.

Mr. Bunting noted it will be deemed undevelopable based on its size. There was some discussion as to whether it was necessary for covenants or restrictions as it’s now a non-conforming lot and nothing there now. If someone were to appear before the Board asking to develop something the Board would

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deny based upon the current zoning. The zoning code could change but the covenant wouldn't change. The covenant would prevent any development and restrict the use of the property in the future. Any covenants or restrictions will be up to the property owners and attorneys to draft.

Approval

A motion was made by John Foley and seconded by Eric Lints to approve the variance requested to create a 115'x72' non-conforming lot and the legal language be left to the applicants Attorney and the Town of Nelson Attorney. There was no further discussion. All voted in favor. The motion carried.

3. Charles & Rebecca Burmaster (represented by Matt Vredenburgh) – Fox Hill Road Waterfront Zone/Scenic Overlay District – Tax Map #134.-2-4.27 - proposing to construct a 14.5 ft. high 150 sq. ft. wood deck (8 ft. are allowed in WF Zone) – applicant is asking for a 6 ft. 5 inch variance - Public Hearing

The Burmaster's are requesting a 6 ft. 5 inch variance for deck height where 8 ft. are allowed in the waterfront zone. The deck will be 150 sq. ft. The Board asked if there were elevation plans. Mr. Burmaster's cousin owns an adjoining lot. It was noted there is no obstruction of views as the lot is heavily wooded and the deck will be barely seen from the lake.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:18 p.m. There were no public or written comments. A motion was made by Carl Shaw and seconded by John Foley to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:18 ½ p.m.

Board members Carl Shaw and John Foley were concerned about setting a precedent and the significant variance but noted the elevation and unique situation. Board member Eric Lints also noted the significant distance from the shoreline.

Approval

A motion was made by Carl Shaw and seconded by Kathryn Eberst to approve a 6 ft. 5 inch variance for deck height to allow the construction of a 14 ft. 5 inch high 150 sq. ft. deck.

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As there was no further business before the Board, a motion was made by Carl Shaw 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 7:20 p.m.

Respectfully submitted,

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