

Town of Nelson
Planning Board Minutes
May 13, 2008

The Town of Nelson Planning Board Meeting was called to order at 7:05 p.m. by Chairman John Dunkle. Present were John Dunkle, Chairman, Jim St. Pierre, Ed Nelson, Kevin Pace, Bob Carr, John Laubscher, Sandy Palmer and Sue Henderson, Secretary. Also present was Roger Cook, Code Enforcement Officer.

1. Tronser, Inc. – Site Plan – Trush Park – IN Zone

Dan Fay of Teich, Kent, Fay Architects and Jim Dowd of Tronser, Inc. spoke about the changes that were requested by the board from the last meeting. One of the changes was that the front would be designed to resemble the factory in Germany. He also showed where the potential expansion would be. The Madison County Planning Department report was read which stated there were no county of intermunicipal concerns.

Public Hearing

The Public Hearing was opened at 7:14. There were no public comments so the Public Hearing was closed.

SEQR

The board reviewed the short form EAF. A motion was made by Jim and seconded by Sandy to declare the Planning Board lead agency, to declare the proposal an unlisted action, and based on a review of the short form EAF, to make a SEQR negative declaration for environmental impacts. All voted in favor and the motion was carried.

Approval Resolution

A motion was made by Jim and seconded by Kevin to approve the 7,000 s.f. expansion as depicted on a site plan prepared by Maxiam & Horst last revised on May 9, 2008 on an exterior elevation plan prepared by Teich Kent Fay Architects dated May 12, 2008 and on a first floor and addition plan, drawing A-1 prepared by Teich Kent Fay Architects last revised May 12, 2008. All voted in favor and the motion was carried.

2. Robinson – Site Plan – Woodcock Terrace – WF Zone

Rick Easterly and Maureen Robinson showed the revised plans which showed the existing building footprint as requested and said that the Madison County Health Department has approved the septic system. They also have a DEC permit to replace the seawall. Sandy had a list of trees and shrubs that are good for a shoreline which was given to the applicant. Jim asked how the oversight on the service contract for the aerobic systems works. Roger said they will have to register with the Madison County Health Department and file reports with them.

Town of Nelson Planning Board Meeting
May 13, 2008
Page 2

Public Hearing

The public hearing was opened at 7:32 p.m. There were no public comments so the public hearing was closed by the Chairman.

SEQR

The board reviewed the short form EAF. A motion was made by Jim and seconded by Ed to declare the Planning Board lead agency, to declare the proposal an unlisted action, and based on a review of the short form EAF to make a SEQR negative declaration for environmental impacts. All voted in favor and the motion was carried.

Approval Resolution

A motion was made by Jim and seconded by Kevin to approve the site plan for the cottage replacement on Woodcock Terrace for Glen and Maureen Robinson as depicted on the site plan prepared by Easterly Engineering last revised May 13, 2008 with the following conditions: the facility will be a seasonal use, and a landscaping plan will be developed to the satisfaction of the Codes Enforcement Officer. All voted in favor and the motion was passed.

3. Automatic Utilities – Special Use Permit – 2830 Route 20 – NC Zone

Robert and Dan Phillips were present. John reviewed the proposal - a motorcycle repair shop in the existing bays of the Automatic Utilities building. The board determined that potential noise impacts would not exceed current levels on Route 20 or the adjacent automotive repair garage. John read the report from the Madison County Planning Department which stated no county or intermunicipal impacts.

Public Hearing

The public hearing was opened at 7:44 p.m. There were no public comments so the Chairman closed the public hearing.

SEQR

The board reviewed the short form EAF. A motion was made by Ed and seconded by Jim to declare the Planning Board lead agency, to declare the proposal an unlisted action, and based on a review of the short form EAF to make a SEQR negative declaration for environmental impacts. All voted in favor and the motion was carried.

Approval Resolution

The following resolution was moved by Kevin and seconded by Sandy:

Town of Nelson Planning Board Meeting
May 13, 2008
Page 3

WHEREAS, this is an application for special permit approval to operate a motorcycle inspection and repair business upon the above-referenced property; and

WHEREAS, the subject premises are located in a Neighborhood Commercial (NC) zone as defined in the Town of Nelson Zoning Code; and

WHEREAS, the Planning Board and the Town of Nelson Code Enforcement Officer deem a motorcycle inspection and repair business to be an unnamed, but permitted use in the NC zoning district upon the issuance of a special permit; and

WHEREAS, a public hearing on the above captioned application was duly called and held at the Town Office Building, 4085 Nelson Road, Cazenovia, New York, on May 13, 2008, and all persons desiring to be heard on this matter have been heard; and

WHEREAS, notice of the public hearing was duly published in the official newspaper of the Town of Nelson at least five (5) days prior to the date of each such public hearing, and an affidavit of such publication is on file with the Clerk of the Town of Nelson; and

WHEREAS, all additional notice thereof was given as required by Section 274-b of the Town Law; and

WHEREAS, the matter was duly referred to the Madison County Planning Agency pursuant to the provisions of Section 239-m of the General Municipal Law; and

WHEREAS, in a report dated May 13, 2008, the Madison County Planning Agency recommended that this application be returned for local determination.

NOW THEREFORE BE IT RESOLVED that the application for a special use permit to operate a motorcycle inspection and repair business on the subject premises is approved subject to the following conditions:

1. All operation must be conducted within the existing building (there shall be no outdoor repair or storage of motorcycles). There will be no changes to the exterior or interior of the building.
2. Hours of operation of the business shall be 8:00 am to 5:00 pm weekdays.
3. The business shall be limited to motorcycle repairs and inspections only. No other vehicles shall be repaired without further Planning Board approval.
4. Signage is limited to two state mandated inspection signs, and the existing free standing sign.

Town of Nelson Planning Board Meeting
May 13, 2008
Page 4

5. This special permit shall be valid for a period of one (1) year from the date of adoption of this resolution. Upon request from the applicant, the Planning Board may extend the special permit if there has been strict compliance with all of the conditions set forth in this resolution.

A motion was made by Kevin and seconded by Sandy to approve the resolution. All voted in favor and the motion was carried.

4. Thomas Stevens – Sunrise Blvd. Site Plan Review – Lot 1 – WF Zone

Public Hearing

The applicant was not present but because the public hearing was previously scheduled, the hearing was opened by the Chairman at 7:48. A motion was made by Jim and seconded by Ed to adjourn the public hearing until the next meeting. All voted in favor and the motion was carried.

5. Lansing – Site Plan – Walrath/Green Rd., RA Zone – Continuation of Public Hearing

Rick Easterly and the Lansings presented plans, revised since the last Planning Board meeting which showed a new driveway location, clearing limits, and site grading. The project was reviewed for the benefit of the new board members. The Chairman reiterated the Board's position that approval would only be considered if no variances were necessary. It was noted that the plan showed a deck that would encroach into the front yard set back. The applicant agreed to remove the deck from the plans. It was also noted that the metes and bounds for the lake front parcel were missing.

The Chairman read the comments from Madison County Planning, which concurred with town engineer's assessment of the septic system, and of compliance with Town setback and impervious coverage regulations. The report also noted that drainage impacts should be mitigated by vegetation preservation, but expressed concern about the steep swales shown on the plan.

Public Hearing

The Chairman reopened the public hearing which had been adjourned from April 8, 2008 at 8:06 pm.

- a. John LaFave questioned the lot coverage calculations provided on the current plan, and wondered if they exceeded the maximum allowed. He also noted the length to width dimensions of the lot did not comply with the zoning regulations. Mr. LaFave noted that this property would make the 11th septic system in a 2.3 acre area, and said that Peter Church of the Madison County Health Department would not approve a septic system for this lot, if the county had jurisdiction. He also reiterated his opinion that the town had denied a previous proposal to build on this lot.

Town of Nelson Planning Board Meeting
May 13, 2008
Page 5

- b. Christine LaFave referenced the comprehensive plan's statement that there are poor soils in most of the town, which are unsuitable for septic systems. She also noted that state Health Department regulations require a 200 ft. separation of septic systems from wells that are down gradient.

The Chairman asked the LaFave's to submit their comments in writing. As there were no further public comments, a motion was made by Sandy and seconded by Jim to close the public hearing. All voted in favor and the public hearing was closed at 8:16.

The Board requested the applicant to address the comments from the public hearing for the next meeting, and to provide the following amendments on the site plan:

- a. Show metes and bounds on lake parcel
- b. Remove the deck
- c. Show adjacent wells
- d. Reduce grading & disturbance limits on driveway
- e. Remove previous driveway location
- f. Re-calculate coverage
- g. Provide erosion control for swales

Kenneth Funk – Funk Rd., Site Plan, 210 Funk Rd. – WF Zone – Initial Appearance

Mr. Funk presented a proposal to remove the existing 720 s.f. structure on the property and replace it with a 960 s.f., two story log structure. Rick Easterly presented the septic system plans approved by the county, and discussed the proposed extension of the drainage culvert along the east property line. The board requested that the three tax parcels that constitute the proposal be combined into one, a landscaping area along the shoreline be provided, and that a drainage easement be established along the east property line. All structures and driveways existing and proposed should also be shown. Roger said that the height of the proposed building should be determined. A public hearing for the subdivision and site plan was scheduled for the June Planning Board meeting.

United Methodist Church – Subdivision – 3323 Route 20 – RA Zone – Initial Appearance

Fay Lyon presented the Church's proposal to reconfigure Carol Morley's property to create three new parcels of 1.96 acres, 6.3 acres and 1.47 acres. The church will install a new well on the 1.47 acre lot. The Board will schedule a public hearing when a subdivision plan is submitted.

Thomas Harvey – 331 Funk Rd. – WF Zone – Initial Appearance

Mr. Harvey presented his proposal to replace his 100 s.f. deck with a 260 s.f. deck. This would require 3 variances: coverage, height, and shoreline set-back. The Board discussed the positive benefits to the lake that were accomplished when the Harvey's septic system was relocated to a vacant lot across Funk

Town of Nelson Planning Board Meeting
May 13, 2008
Page 6

Road in 2005. This in effect rendered another vacant lot unbuildable, and could be considered to partially offset the potential increase in lot coverage from the new deck on the .13 acre lakefront lot.

Resolution to the Zoning Board of Appeals

The Planning Board recognizes the positive efforts previously undertaken in 2005 by the applicant to relocate the property's septic system (along with a second property) to a separate vacant building lot across Funk Rd., thereby eliminating two substandard waterfront septic systems, and at the same time limiting the potential for further development of the vacant building lot.

The Planning Board also recognizes that the 260 sf deck as proposed will require three variances: a. coverage, b. height, and c. lakefront setback.

The Planning Board resolves to express support of the applicant's variance requests, with the following conditions:

The applicant reconfigure the deck to eliminate either the aspect of height or lake front setback to reduce the number of variances, the applicant provides mitigation to offset the potential increase in runoff from the additional hard surfaces draining to the lake through infiltration devices and/or a landscaped shoreline filter area. The Planning Board will complete a Site Plan review if the ZBA elects to approve the variances.

All voted in favor of the resolution.

Minutes

The minutes from the prior meeting were reviewed and a motion was made by Jim to approve them with a second from Kevin. All voted in favor and the minutes were approved.

There was a motion to adjourn the meeting made by Jim and seconded by Ed. All voted in favor and the meeting was adjourned at 10:01.

Respectfully submitted,

Susan J. Henderson, Secretary