

Town of Nelson  
Planning Board Meeting Minutes  
February 12, 2008

The Town of Nelson Planning Board met in the Town of Nelson Office Building with Chairman John Dunkle presiding. The following members were present: Kevin Pace, Jim St. Pierre, Sandy Palmer, Bob Carr and Roger Cook, Code Enforcement Officer. Absent was Ed Nelson . Also present for a portion of the meeting was Attorney Jim Stokes.

Chairman Dunkle opened the meeting at 7:00 pm and welcomed Board Member Bob Carr to his first meeting and also welcomed Sue Henderson, the newly elected Town Clerk and Planning Board Secretary. Sandy made a motion to accept the minutes of the last meeting, which was seconded by Jim and carried unanimously by the board.

Public Hearing: Randy Reynolds:

Attorney Jim Stokes was in attendance for the Public Hearing. There was much discussion regarding this Special Permit. There are issues with the septic and water, parking on site, capacity of building, number of times there would be an auction, etc. These would all have to be addressed before the Board could make a decision on this Special Permit. John Dunkle read the recommendations from the Madison County Planning Department. John said that we have addressed these issues with the applicant and stated that if we were to consider any approval of this that there would be no site disturbance, definitely no wetlands disturbance. At the last meeting there was discussion about the fact that the septic system was not satisfactory and that portable toilets and portable water facilities would be necessary if approved, were to be considered. Also, it was made very clear to the applicant that no parking across Route 20 would be considered. John stated that now we are at a point to consider the comments from the Madison County Planning Department and decide whether we are comfortable proceeding with any type of conditions for a special permit or if based on the recommendations of the Madison County Planning Department that we simply consider denying the application. Jim St. Pierre asked if there would be any change to the conditions we've already discussed. Jim stated that the only way we could approve this would be to stick to those strict guidelines and that it would be a private auction house as oppose to a public auction house and on a one year trial basis.

Jim Stokes said that he feels the Planning Board has addressed all the issues already and is probably prepared to make a decision. The question was asked about the town's liability as far as people walking across or parking on Route 20 and Mr. Stokes said that the town would not be responsible. He said that you can't really restrict people from doing so, but there is still a concern that people would.

John asked if there was any interest in denying this now. Bob asked what weight that the County recommendation has on us. Jim Stokes said that we would need one extra vote to approve it. If we go against anything the county recommends you need a supermajority. Sandy stated her concerns about the parking and asked if the state could override them as she feels uncomfortable about it. John stated that if the applicant doesn't need a driveway permit or any permit to do any work in the state right-of-way, then the state DOT has no regulatory interest in this proposal. If DOT's comments were solicited, they would probably say they were uncomfortable with the concept, however, it is a public highway and parking is not prohibited on Route 20 in the hamlet anywhere and people do park there anyway.

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Jim Stokes said that he didn't think the County recommendations changes anything as the Board has already considered all of these issues, and said the Board has to be comfortable issuing a Special Permit for these conditions or perhaps there are no conditions that can adequately address the concerns.

John summed up the conditions that the Board had previously considered. The applicant has been made aware that if the Planning Board were to consider granting the Special Permit it would be for a limited time, specifically one year, at which time they could re-examine how things were going and have the opportunity at that time to say no more. The ultimate length of time would be perhaps two years. It has been mentioned to the Board several times that this is a start-up business for him and within two years he would be moving to a more suitable location. Another condition would be the parking and a resolution should be reached on whether we completely prohibit parking on the state highway or severely regulate or limit it. Another condition is that at every auction event the codes enforcement officer would be notified a week or so in advance so that the actual event could be monitored, that would be limits on parking, capacity of people, that portable toilets and water facilities would be brought in for any event, that there would be no expansion or no alteration of the land in any way, that there would be no retail sales allowed on the property, no outside storage. That is the list of the special conditions that would need to be put into the form of a resolution with special conditions. Sandy asked if we would need to be more specific and John said yes, the resolution would be very specific.

It was decided to continue the hearing until next month as the applicant is not here and the board is undecided at this point. Bob said that he didn't see anything real positive about the proposal but as a new member he would like to hear the other board members have to say. Sandy reiterated that she is very uncomfortable with the parking situation. She would like to work it out with him but doesn't know how to work out the parking situation. John agreed that there will probably be parking on Route 20 and there would be no way to restrict it.

Denise Earl said that he's had these auctions in the past and asked if they have caused any problems. John said that they have caused people to take notice of a change in use, concentration of cars, and things

stored outside. Getting him to agree to no outdoor storage was a big hurdle in getting to this point.

John suggested that this be postponed until the next meeting. Sandy said she would feel better if we restricted this to one year. John suggested reviewing after one year and a maximum of two years. He said that the Board is not prepared to vote tonight and that they should hold open the public hearing until next month. John will provide Jim with a list of potential conditions that could be drafted into a resolution to be considered at the next meeting.

### PUBLIC HEARING

There was a motion made to continue the public hearing until next month by Jim and seconded by Sandy. The motion was carried by all.

### Douglas and Marilyn Beard, Jones Rd.

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The Beards were represented by Mark Banac, their attorney and he presented all the required forms and said he spoke with David Vredenburg about the location of the systems on the Ivany and Beard properties. He explained the situation and outlined the approximate location of each septic system on

each proposed lot. The affidavit basically states that even after the lot changes both septic systems will be self-contained within their respective lots and not on anyone else's after the subdivision.

### PUBLIC HEARING

John opened the public hearing and asked the public if there was any interest in this project. No one responded so the public hearing was closed.

### SEORA

The Board reviewed the submitted short form EAF. A motion was made by Jim and seconded by Sandy 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 for EAF, to make a SEQR Negative Declaration. All voted in favor and the motion carried.

#### Approval Resolution

A motion was made by Jim and seconded by Sandy to approve the proposed reconfiguration of the Beard, Ivany and Dailey properties, creating the following lot sizes:

Beard – 23.733 acres (tax parcel #121.-1-22.2)

Ivany – 44.673 acres (tax parcel #121.-1-22.3)

Dailey – 111.358 acres (tax parcel #109.-1-17.3)

as shown on a map prepared by David A. Vredenburg, entitled Lands of Beard, Dailey, and Ivany, and dated September 3, 2007. All voted in favor and the motion carried.

#### George and Miriam Barrows

Miriam Barrows described the action as they wanted to give 10 acres to their grandson. She said that the Boy Scouts have permission to cross their property to have their outings and that would not interfere with this proposal at all. John opened the public hearing and asked the public if there was any interest in this project. There was none so the public hearing was closed. The Board reviewed the proposal and determined there were no significant issues with creating a 10 acre parcel. The applicant was reminded that a perc test would be required for any development.

#### SEORA

The Board reviewed the submitted short form EAF. A motion was made by Kevin and seconded by Jim 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 for EAF, to make a SEQR Negative Declaration. All voted in favor and the motion carried.

### Approval Resolution

A motion was made by Kevin and seconded by Jim to approve the two lot subdivision of the Barrows property, creating a 10 parcel and a 75.74 acre parcel, as shown on a map prepared by David A. Vredenburg, entitled Lands of George & Miriam Barrows Trust, and dated November 30, 2007. All voted in favor and the motion carried.

### Pheasant Hollow LLC

Kevin and Alexandra Corsin explained that they would like to put a sign up on their horse farm in the existing sign post. As they were not scheduled for the meeting tonight, Roger said it was the Board's decision to hear them tonight or not. John said it would be okay and she explained the size of the sign and what they wanted to put on it. She had a sketch of a sign but said she wasn't sure what she wanted

to put in the middle of it. There was much discussion about the use and code numbers and this was explained to her by Jim. Roger said the sign proposed requires a special use permit. It was decided that the Board could waive a Public Hearing based on the fact that there was a sign there before and this will be scheduled for the next meeting.

### Kane – Funk Road

John asked Roger if there was anything new on the Kane land disturbance on Funk Road. Roger said there is nothing new, as it was difficult for the owner to be here on Tuesday nights. He said that he told Mr. Kane that he should be here or be represented by a contractor or someone. The Board determined a site plan would be required. Roger will inform the applicant

Roger said there is also nothing new on the Sunrise Boulevard project on Eatonbrook Lake.

### Organization

John suggested that we make a standard cut-off date for the submission of applications to the Planning Board each month. There was a motion made by Jim that it be 12 days prior to each meeting. It was seconded by Sandy and approved by all.

John asked Sue to get updated information on all Board members including email addresses and get them to all the members.

John said that one of the requirements for board members is that they receive 4 credit hours of training each year. He said that he is teaching a class on September 30, 2008 which will be 3 credit hours. There was also discussion about a number of on-line courses available from the NY Planning Federation.

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Miscellaneous

Jim St. Pierre said that the next time they get an application for a cell tower that they look more closely to where they are actually going to put it. He said that the one that they just put up could have been moved over about 500 feet to make it less obvious.

Jim made a motion to adjourn the meeting and Kevin seconded. The meeting adjourned at 8:40 pm.

Respectfully submitted,

Susan J. Henderson, Clerk