

Town of Nelson
Zoning Board of Appeals
November 18, 2008

Chairman Jeff Rubenstein called the meeting to order at 7:33 pm. Present were Jeff Rubenstein, Tom Harvey, Mary Perry and Tom Arnold. Peter Radosta was absent.

Tom Arnold made a motion to accept the minutes as amended and Mary Perry seconded. All voted in favor and the minutes were approved.

Peter Baker, 2749 Tuscarora Rd., Area Variance – Public Hearing Continued

The County recommended disapproval of this venture. Jeff said he understood that Peter was going to contact the County to see how far back from the road he would need to be to satisfy them as far as the snow plows. Peter said he did speak with Brenda White. She basically agreed with him that the plows couldn't hit his garage. He asked them to get something to this board by tonight's meeting but she was unable to. There was discussion about how many square feet would be needed and it was decided that 50' for the width of the south side of the garage would be plenty, which would make for a 10' setback from the road, requiring a 40' variance. An 11' setback would be needed for the north side, requiring a 9' variance. The recommendations from the Planning Board were reviewed and it was decided that those recommendations should be followed if passed. The Public Hearing was re-opened at 7:46 pm and as there was no one in the audience to speak to this issue, the hearing was closed at 7:47pm.

Findings:

- A. There will not be undesirable change in the neighborhood, there is no feasible alternate to an area variance, the requested variance is substantial, there will not be an adverse effect on the physical or environmental conditions in the neighborhood, and the difficulty is not self-created.
- B. All information was considered.
- C. All parties have been heard. There was no one present at the public hearings and no letters were received in support or in opposition.
- D. There was no intimate knowledge.

This was only to be a garage and not living space.

Conditions:

As recommended by the Planning Board.

Motion was made by Tom Harvey to approve this variance request and seconded by Mary. All voted in favor and the motion was carried.

Stephen McLean, 2685 Route 20 East, Area Variance, Public Hearing Continued

Mr. McLean appeared before the board with the pictures of the signs he wants approval for. These signs total 80 sq. ft. and there is allowance for 48 sq. ft. Therefore, he is asking for a 32 foot variance. He has 2 separate signs on the building. He said he plans on removing the other existing stand-alone sign that is closer to the road. There was discussion about the fact that these signs are far away from the road and don't obstruct anything. Lighting was also discussed and decided that is not an issue as the lights go off at 10:00 pm every night. The Public Hearing was opened at 7:59 pm and as there was no one in the audience to speak to this issue, the hearing was closed at 8:00 pm.

Findings:

- A. There will be no undesirable change in the neighborhood, there is a feasible alternate to an area variance, the requested variance is substantial, there will not be an adverse effect on the physical or environmental conditions in the neighborhood, and the difficulty is self-created.
- B. All information was considered.
- C. All parties have been heard. There was no one present at the public hearings and no letters were received in support or in opposition.
- D. There was no intimate knowledge.

Conditions:

The other existing sign will be removed.

Motion was made by Mary and seconded by Tom Arnold to approve this variance. All voted in favor and the motion was approved.

Michael Armani, 3870 Eatonbrook Rd., Area Variance – Public Hearing

Mr. Armani was unable to attend the meeting so the Public Hearing was continued until next month.

Frank Bufano, Erieville Rd., Informal Discussion

Mr. Bufano appeared informally before the board with real estate agent Cindy Clark to get some direction to rectify an issue about his camp being restricted as a seasonal use only. He is trying to sell his camp but cannot do so as the Zoning Board of Appeals in 1995 granted him a variance with the condition that this property will be seasonal only. He would like to get the status changed to year-round use so that he can sell this. He explained that his septic system is an extremely good one and cannot be improved on. He feels that this is why he has to remain as a seasonal use property and wants to get this designation changed. Jeff explained that if he had something from the Madison County Health Department saying that his system was okay, it would give them something to go on. But right now there is nothing saying that this system is okay. Mr. Bufano said he would go to the County and see what they say.

There was a motion to adjourn by Tom Harvey and seconded by Mary. All voted in favor and the meeting adjourned at 8:39.

Respectfully submitted,

Susan J. Henderson, Secretary