

Town of Nelson  
Zoning Board of Appeals  
November 20, 2007  
Nelson Office Building

Attendance: Jeff Rubenstein, Tom Arnold & Peter Radosta  
Absent: Mary Perry & Timothy Etter

Meeting was called to order by Chairman, Jeff Rubenstein at 7:31 p.m.

The motion was made by Tom to approve the amended minutes of the October 29, 2007 meeting. Seconded by Peter. All voted in favor and motion carried.

Agenda:

1. John & Mary Ann Lansing - Area Variance - Walrath Road - Public Hearing

- a. John & Mary Ann brought a lot on Walrath Road which includes a 15 foot piece on the lake. An application is before the Planning Board for a Site Plan Review, to build a house on the larger lot
- b. They are before the ZBA for a variance to put a dock on the water front property. They were not aware of the 10 ft. ruling which is in Section 292.2 that Jeff read.
- c. Public Hearing opened at 7:38 p.m.
- d. The LaFave's, Christine & Tom to the south, Scott Grimm and Mrs. Eastman believe that John should not build a dock as it would be encroaching on the neighbor's. A letter from Scott Grimm asking the Board to deny this request. Christine explained drawings of the shore line. She said that there would have to be substantial variances and it is a safety issue. Eric Meade of Green Rd. said that there is a discrepancy in the three survey's Mr. Lansing said that he does not see why he cannot have the use of his lake lot. The neighbors have their docks on his property.
- e. Public Hearing closed at 8:05 p.m.
- f. Four neighbor's were not notified of the Public Hearing.
- g. Eric Meade said that the abstract on these three properties should be researched by the Town Attorney. Jeff will contact T.A. James Stokes.

After discussion, Tom made the motion to continue the Public Hearing until December 18, 2007. Seconded by Peter. All voted in favor and motion carried.

2. Dale Cornue - Area Variance - R\route 20 - Public Hearing

- a. Dale would like to add an additional workshop on the back of an existing building and an office on the front of the same building. He is requesting a rear side, front yard and coverage variance's.
- b. Jeff read the Co. Planning Board comments on the application which, was returned for Local Determination. The coverage is 2% over the allowed amount.
- c. Public Hearing opened at 8:31 p.m. As there was no one present for or in opposition of this application the Public Hearing closed at 8:31 ½ p.m..
- d. A variance of 15 ft. to allow a front yard setback of 85 ft. A 30 ft. variance to allow a 20

ft. Rear yard set back and a side yard (East side) variance of 13 ft. to allow a 17 ft. setback, a 10 ft. variance to allow a 20 ft. side setback on the east , Lot Coverage : a 3% variance to allow a 28% building lot coverage.

- e. The buildings are to be constructed as per drawings submitted and the County said that there will be no additional lot coverage in the future on this lot.

Findings:

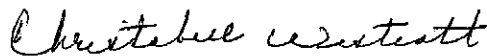
- a. 1-No, 2- No, 3- Yes, 4- No, 5- Yes
- b. Yes, No public input..
- c. All parties in questions have been heard..
- d. No intimate knowledge
- e. Personal inspections by Tom, Jeff and Peter.

The motion was made n by Peter to approve this request as noted above. Seconded by Tom. All voted in favor and motion carried. This variance's was granted.

Peter made the motion to adjourn the meeting. Seconded by Tom.. All voted in favor and motion carried.

Meeting adjourned at 8:45 p.m.

Respectfully submitted by



Christabell Westcott, Clerk  
Town of Nelson, Zoning Board of Appeals

Town of Nelson  
Zoning Board of Appeals  
October 29, 2007  
Nelson Office Building

Attendance: Jeffrey Rubenstein, Thomas Arnold, Mary Perry, Tim. Etter  
Absent: Peter Radosta

Meeting was called to order by Chairman, Jeffrey Rubenstein at 7:30 p.m.

After the September 18, 2007 minutes were reviewed and amended, Tom. made the motion to accept these minutes as presented. Seconded by Mary. All voted in favor and motion carried.

Agenda:

1. Catherine Hudson - Area Variance - Route 20 - Public Hearing
  - a. Catherine would like to build a deck on the east side of her house. She is requesting a 40.6 foot variance as the deck will be to close to the road.
  - b. The lot coverage is now at 11.6%.
  - c. The deck will be constructed so that the rain will fall between the boards..
  - d. Public Hearing opened t 7:40 p.m.
  - e. Jeff Woodworth, Neighbor (Eastside) said that it would be close to the road but, he did not have a problem with it. Peggy Ayer said the same and she had no problem with it.. As there was no other comments the public hearing was closed at 7:42 p.m.
  - f. Tom, Tim, Mary & Jeff visited the site.

Findings:

- a. There will not be any undesirable change produced in the neighborhood.  
There is no feasible alternate to an area variance for the applicant.  
The requested variance is substantial.  
There will be no adverse effect on the physical or environmental conditions in the neighborhood.  
The difficulty was self-created.
- b. All the information or evidence was considered. Jeff Woodworth & Peggy Ayer had no objections.
- c. All parties in question have been heard: County returned for Local determination.
- d. There was no intimate knowledge taken into account.

Tom, Tim, Jeff and Mary visited the site.

Tom made the motion to approve the 41 ft front yard setback variance to allow a 34 ft. setback with the following conditions:

1. The variance is for construction of a deck as per your application, to be

constructed substantially as per the drawing on the survey submitted at the public hearing.

2. The deck will be constructed with a pervious surface, and will not be covered.

Seconded by Tim. All voted in favor and motion carried.

## 2. Marilyn & Glendon Lewis - Area Variance - Erieville Rd. - Public Hearing Continued

- a. The County returned the application for local determination. Jeff read the comments.
- b. Pictures were presented to the Board, with the roof overhang and without the roof overhang and the drainage from the deck, including the down spout and drip line.
- c. The continued Public Hearing was closed at 7:56 p.m. on Oct. 29, 2007.

### Findings:

- a. There will be no desirable change in the neighborhood.  
There is no feasible alternate to an area variance for the applicant.  
The requested area variance is substantial.  
No adverse effect on the physical or environmental conditions in the neighborhood.  
The difficulty was self-created.
- b. All information or evidence was considered.
- c. All parties in question have been heard. Peter Baker, Neighbor, across the street opposed to structure as built.
- d. No intimate knowledge.

Tim, Jeff, Mary & Tom visited the site.

Tom made the motion for a front yard (lakeside setback variance to allow a 2 foot setback from the lake shore at the northeast corner of the structure, to be constructed as per plans indicated on the survey dated October 30, 2006 and submitted at the public hearing with the following conditions:

1. No impervious shall be installed above the ground in the area between the residence structure and the lake.
2. The 98 feet of drainage tile, and gutters and vertical pipe shall be installed as per the photos submitted at the public hearing, and in accordance with the information provide to the County Planning Department, in order to provide for adequate drainage and minimize runoff into the lake.

So moved by Jeff and seconded by Tim. All voted in favor and motion carried.

## 3. Howard Than - Area Variance - Route 20 - Public Hearing

- a. Chad represented his father Howard for this request of a 96 sq. Ft. sign mounted on the building and retaining a 2-sided sign of 64 sq. ft near the road. Pictures of the mounted sign on their Waterville building was presented.

- b. Tim did a drawing of the sign on the building on Route 20.
- c. Board members gave their input on the signs.
- d. Discussion of the lighting on the sign.
- e. Public Hearing opened at 8:25 p.m. As there was no one present for or in opposition of this request, the Public Hearing closed at 25 ½ p.m.

**Findings:**

- a. No undesirable change will be produced in the neighborhood.  
There is a feasible alternate to an area variance for the applicant.  
The requested area variance is substantial.  
There will be no adverse effect on the physical or environmental conditions in the neighborhood.  
The difficulty was self-created.
- b. All information or evidence was considered.
- c. All parties in question have been heard. Alice Wallace, Nelson taxpayer has neutral feelings.
- d. No intimate knowledge was taken into account.

Mary, Tom, Tim & Jeff visited the site.

As there was no further discussion on this request, Mary made the motion to approve a signage variance of 112 sq. ft. to allow a total of 160 sq. ft. of signage, with the following condition:


- 1. The variance is conditional upon your agreement that the new sign will not be lighted after 7 pm in the evenings, nor before 7am in the mornings.

Seconded by Tom. All voted in favor and motion carried.

As there was not anymore business tom made the motion to adjourn the meeting. Seconded by Tim. All voted in favor and motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted by



Christabell Westcott, Secretary  
Town of Nelson Zoning Board of Appeals

Town of Nelson  
Zoning Board of Appeals  
September 18, 2007  
Nelson Office Building

Attendance: Jeffrey Rubenstein, Mary Perry, Thomas Arnold  
Absent: Tim Etter & Peter Radosta

Meeting was called to order by Chairman, Jeffrey Rubenstein at 7:35 p.m.

Agenda:

1. Glendon & Marilyn Lewis - Continued Public Hearing
  - a. Jeff said because there is not a quorum of the Board that no action can be taken on this application tonight.
  - b. The report from Mad. Co. Planning Board with disapproval. They are concerns of the runoff to the lake what was impervious and what is impervious.
  - c. Marilyn said the original patio was concrete.
  - d. The Board asked the Lewis's to provide a drawing looking from the top down of the past and the present deck.

Tom made the motion to adjourn the Public Hearing until the Oct. Meeting and to extend the deadline to Dec. 31, 2007 to resolve their issues. Seconded by Mary. All voted in favor and motion carried.

After a couple of minor amendments to the minutes, Tom made a motion to accept these minutes as amended. Seconded by Mary. All voted in favor and motion carried.

2. Susan Padrosa/Alice Wallace - Height Variance - Pleasant Pt. - Public Hearing
  - a. Jeff received a letter from John Dunkle recommending that the ZBA approve the building of a garage for a height variance with the condition that the four lots be combined.
  - b. Discussion of how to average the height in the Overlay District. The average would be 22.65 with a 7.85 variance.
  - c. The Public Hearing was opened at 8:00 p.m. Susan heard from Mr. Rozina as to what are you doing and he has no problem with building a new garage. Public Hearing closed at 8:04 p.m.
  - d. Tom, Jeff and Mary visited the site.

Findings:

- a. No undesirable change will be produced in the neighborhood.  
There is no feasible alternate to this area variance for the applicant.  
The requested variance is substantial  
There will not be any adverse effect on the physical or environmental conditions in the

neighborhood.

b. All information or evidence was considered. Call from Neighbor, Mr. Rozina, he feels fine about this.

All parties in question have been heard.

No Intimate knowledge.

Mary made the motion to approve a variance for an accessory facility height of 8 ft to allow a height of 23 ft. This variance is for construction of a garage with storage as Per your application, to be constructed substantially as per the plans submitted at the public hearing, with the following conditions:

1. The four lots shall be combined into one parcel, as shown on the survey dated 8-28-07 and presented at the public hearing.
2. The new garage shall not be used or approved as a habitable structure.
3. The existing yellow garage shall be completely removed from the property.
4. All required recommendations and requirements of the Planning Board and/or the Town Code Enforcement Office shall be followed.

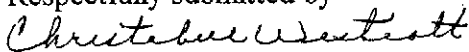
Seconded by Tom. All voted in favor and motion carried.

3. Howard Tehan -

- a. Howard was present with his Son, Chad. Howard was before the Board last month for a variance for a sign that was too large. He temporarily withdrew his application. He said that the company did not like the idea of cutting the new sign down. And they want the larger sign on the building.
- b. Roger read the Section 270.2 of the Land Use and Development (height and framing of a sign.)
- c. Howard wants to put up the sign as in the application presented last month.
- d. The Board requested that Howard write a letter to them to reopen the public hearing and changing his mind on the sign.
- e. The Mad. Co. Planning Board comments were read.
- f. Discussion of other size signs.
- g. Input from the NYSDOT will be needed as it is on the Route 20 Scenic Byway.
- h. Howard will be on the Oct. agenda with the square footage and the size of the sign.

As there was not anymore business, Tom made the motion to adjourn the meeting. This was seconded by Mary. All voted in favor and motion carried.

Meeting adjourned at 9:20 p.m.

Respectfully submitted by  
  
Christabell Westcott, Secretary  
Town of Nelson Zoning Board of Appeals

Town of Nelson  
Zoning Board of Appeals  
August 21, 2007  
Nelson Town Office Building

Present: Tim Etter, Jeff Rubenstein & Tom Arnold  
Absent: Mary Perry & Peter Radosta

The meeting was opened at 7:31 p.m. by Chairman Jeff Rubenstein.

Minutes from the June meeting were reviewed. After some minor changes, Tom made the motion to approve these minutes. Seconded by Tim. All voted in favor and motion carried. :

1. John & Cynthia Decker - Area Variance - Erieville Rd. - Public Hearing
  - a. John attended the meeting. He presented photo's of the existing stone area. John said that he also wants to change this for safety reasons.
  - b. The change would be from stone decking to composite decking with the joists placed to allow drainage.
  - c. The Public Hearing was opened at 7:39 p.m. As there was not any opposition for or against this request, the Public Hearing closed at 7:39 ½ p.m.
  - d. The comments from the Madison County Planning Board was read into the minutes. The returned for local determination.
  - e. There will not be any additional coverage.
  - f. Tim & Jeff visited the site.

Findings:

- a. There will be no undesirable change produced in the neighborhood.  
There is no feasible alternate to an area variance for the applicant.  
The required variance is substantial.  
There will be no adverse effect on the physical or environmental conditions in the neighborhood.  
The difficulty was self-created.
- b. All information or evidence was considered. Photo's submitted.
- c. All parties in question were heard. No public input for or against.
- d. No intimate knowledge was taken into account.

Tim made the motion to approve a Front Yard (lake side) setback of a 5 feet variance to allow a 0 foot setback, with the following conditions:

1. No construction be higher than the existing threshold facing the house to the east.
2. Top layer of decking not to be placed perpendicular to the shoreline.

Seconded by Jeff. All voted in favor and motion carried.

2. Marilyn & Glendon Lewis - Area Variance - Erieville Rd. - Public Hearing

- a. Marilyn & Glendon are requesting a 28 foot setback on the lakeside for a roof that extends over the deck from North to South.
- b. Photo's were presented and explained to the Board and
- c. Mad. Co. Planning Board returned the application as incomplete based on the unclear and contradictory information given about the proposed deck roof as well as the partial plans submitted. Jeff read the comments from the Mad. Co. Planning Board.
- d. Public Hearing was opened at 8:04 p.m.
- e. Peter Baker (Neighbor across the road) is against this request, as he said that it takes away his view and he cannot see the lake because of a pole that was not there before the roof was extended out. He cannot see the deck unless he is out on the lake as the fence between the two properties blocks his view.
- f. The Public Hearing was closed at 8:08 p.m.
- g. The discussion of additional runoff and the drainage of water. The Lewis's do not want an Engineer to look at any drainage plans.
- h. The impervious surface would not be increased.
- i. At 8:21 p.m. the Public Hearing was reopened. Tom made the motion to adjourn the Public Hearing until the next meeting. Seconded by Tim. All voted in favor and motion carried
- j. The Lewis's asked for an extension until this is resolved the Board granted an extension until October 31, 2007.

3. Howard Tehar - Area Variance - Route 20 - Public Hearing

- a. Howard & Son, Chad were present at the meeting.
- b. Howard is requesting a 71 sq. ft. variance to erect a new sign 24' '4' on the front of his building. (NAPA on Rt. 20).
- c. The new sign would be centered over the lean to.
- d. The Mad. Co. Planning Board sent the application back for Local Determination as there was no adverse impact for the County. Jeff read the County comments.
- e. The existing sign by the road will be removed.
- f. Jeff read the sign requirements in the Land Use and Regulations Law.
- h. Public Hearing opened at 8:45 p.m.
- i. Discussion of building across the booth ends of the sign to make it conform with the requirements. Going to a 48 foot sign Howard would not need a variance,.
- j. Public Hearing closed at 8:57 p.m.
- k. The application was temporarily withdrawn by the Applicant to find a solution without a variance.

4. Susan Pedrosa/Alice Wallace - Information Only

- a. Susan owns property on Tuscarora Lake on Pleasant Point Rd. She is before the Board to

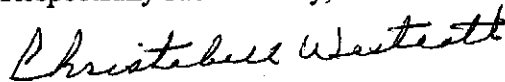
see if she can take an old garage down and build a new garage moving it over to the center of the lot.

- b. There are four separate parcels.
- c. Susan would need height variance.
- d. After discussion with the Board Susan will combine the four lots into one lot. Susan will go to the Planning Board for the Sept. Meeting. She will be before the Board next month for a height variance

As there was no other business the motion to adjourn the meeting was made by Tom and seconded by Tim. All voted in favor and motion carried.

Meeting adjourned at 9:32 p.m.

Respectfully submitted by,



Christabell Westcott, Secretary  
Zoning Board of Appeals  
Town of Nelson

Town of Nelson  
Zoning Board of Appeals  
June 19, 2007  
Nelson Town Office Building

Present: Tim Etter, Jeff Rubenstein, Mary Perry, Tom Arnold & Peter Radosta

The meeting was opened at 7:31 p.m. by Chairman Jeff Rubenstein.

After the minutes from April 3, 2007 were reviewed, Tim made the motion to accept these minutes as presented. Seconded by Mary. All voted in favor and motion carried.

Agenda:

1. Gilbert English - Area Variance - Tuscarora Rd.- Public Hearing

- a. The variance requested is for a front ( road) yard setback of 5 feet to allow a 20 foot setback and a side yard setback of 13.14 feet to allow a 1.86 foot setback, to build a deck onto a year round camp.
- b. The 10' x 12' deck was built last Sept. 2006. It is a floating deck and is not attached to the building. It was built to utilize a side door that could not be used before.
- c. The deck is 3 feet from the side yard property line. And in the WFZ.
- d. Gilbert was asked if he could change the deck to a landing or a smaller deck.
- e. Mad. Co. Planning Board said the it seems a smaller deck or stairs - with less of an encroachment on the required setbacks. This application was returned for Local Determination..
- f. The Public Hearing was opened at 7.50 p.m.
- g. Michael Murphy, Neighbor in back, did not have a problem with this and neither did Scott Spetke.
- h. Public Hearing was closed at 7:54 p.m.
- i. The deck is to close to the adjacent proper to the south. If the owner of this property ever wanted to sell the lot, there could be a problem with the deck being so close. When the residents come off of the deck they are on the adjacent property owners land.

Findings:

- a. There will be an undesirable change produced in the neighborhood.  
There is a feasible alternate to an area variance for the applicant. No if the structure is changed and yes if elevation changed with fill.  
The required variance is substantial.  
There will be no adverse effect on the physical or environmental conditions in the neighborhood.  
The difficulty was self-created.
- b. All information or evidence was considered. Mike Murphy and Mike Murphy have no problem with this deck.

- c. All parties in question were heard.
- d. No intimate knowledge was taken into account.

All Board members visited the site.

After discussion of the Board Pete made the motion to approve this variance request, of a Front Yard setback of a 5 feet variance to allow a 20 foot setback and a Side Yard setback of 13.14 feet variance to allow a 1.86 foot setback. Seconded by Mary. Mary and Peter voted in favor of this motion and Tom, Tim and Jeff voted against it. Variance denied.

2. Diane Cass/Tim. McLaughlin - Lot Coverage Variance - Tuscarora Rd. - Public Hearing

- a. A variance to allow 19.5 % total lot coverage and a variance to allow a total height (including railing) of 66". Diane and Tim are proposing to construct a 14'x16' deck on the lake side.
- b. The existing deck at the water is 5 feet back from the sea wall.
- c. Lot coverage of pervious material is over the 12% allowed. There is an asphalt existing driveway
- d. The parcel is in the WFZ.
- e. Public Hearing opened at 8:50 p.m.
- f. Scott Spetke had no problem with the new deck being built.
- g. As there was no further comments on this application, the Public Hearing closed at 8:53 p.m.
- h. Mad. Co. Planning Board return for Local Determination as there would be no adverse County impact.

Findings:

- a. No undesirable change will be produced in the neighborhood.  
There is no feasible alternate to an area variance for the applicant.  
The requested area variance is substantial Area Coverage and no for the railing.  
The difficulty was not self-created.
- b. All the information or evidence was considered.
- c. There were no parties in question to be heard. A letter from Helen Bellemy in favor of the deck.
- d. No intimate knowledge was taken into account.

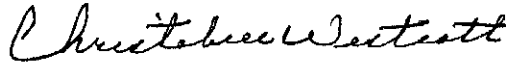
All Board Members visited the site.

Pete made the motion to approve a lot coverage of a 7.5 feet variance to allow a 19.5% total lot coverage and for the deck height a 6 inch variance to allow a total height (including railing) of 66 inches. The variance is for construction of a 14'x16' deck. Seconded by Tim.. All voted in favor and motion carried.

As there was no other business the motion to adjourn the meeting was made by Tim and seconded by Mary. All voted in favor and motion carried.

Meeting adjourned at 8:58 p.m. p.m.

Respectfully submitted by,



Christabell Westcott, Secretary  
Zoning Board of Appeals  
Town of Nelson