

Town of Nelson  
Zoning Board of Appeals  
July 20, 2010  
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The meeting was called to order at 7:30 p.m. by Chairman Rubenstein. Present were Jeff Rubenstein, Tom Arnold, Tom Harvey, Mary Perry and Deborah Costello, Secretary. Absent was Peter Radosta.

The minutes of the June 15, 2010 meeting were read. An amendment was made.  
AMENDMENT 1 – Date to read June 15, 2010 instead of June 15, 201.

A motion to approve the June 15, 2010 minutes as amended was made by Tom Arnold and seconded by Mary Perry. All voted in favor and the motion carried.

**1. CAROL MORLEY – REPRESENTED BY FAY LYON (NELSON METHODIST CHURCH) –  
3323 ROUTE 20 EAST – AREA VARIANCE – R ZONE – 96.19-1-21 – PUBLIC  
HEARING**

Carol Morley is requesting a 2 lot subdivision as the Nelson Methodist Church will be purchasing. The Church would like to enlarge their parking lot and put in a new well. They are currently using the well on the Parsonage. The ordinance requires 200' road frontage and they only have 149'. They are requesting a 51' variance.

Chairman Rubenstein asked if the Planning Board was ok with this and Fay Lyon advised as far as he knew they were. He will go back to the Planning Board if the Variance is granted. Tom Harvey, Tom Arnold and Mary Perry visited the site. The application was sent to the Madison County and they returned it for Local Determination.

Chairman Rubenstein opened the Public Hearing at 7:42 p.m. Fay Lyon told the Board that Bill Magee had called him and indicated that he had no problem. As there was no one present and no letters came in, Chairman Rubenstein closed the Public Hearing at 7:43 p.m.

There will be no undesirable changes to the neighborhood, there is no feasible alternative to an Area Variance and the request for an Area Variance is not substantial. There will be no adverse effects on any physical or environmental conditions in the neighborhood, the difficulty was self- created and all information referenced has been considered and all parties in question have been heard.

A motion to grant a 51' front road frontage Area Variance to allow 149' with the condition that the 1 acre lot behind the Church become part of the Church property was made by Tom Harvey and it was seconded by Mary Perry. All voted in favor and the motion carried.

**2. DALE MARLAND – 3450 HARDSCRABBLE ROAD – AREA VARIANCE – RA ZONE – 132.-1-13.1 - PUBLIC HEARING**

Mr. Marland wants to build a garage and already has approval and a building permit. When he had the area leveled, he thought he was far enough away from the property line which is 20'. He then had a tear drop driveway put in and when he measured he found he was 15' 5" from the property line. An option was to have the contractor come back and move the garage closer to his house but that would have obstructed his tear drop driveway. Tom Arnold and Tom Harvey visited the site.

A discussion was held about the building that is currently there. It is a portable instant garage that currently houses miscellaneous machinery. (i.e. motorcycle, snow blower, etc.). The application was sent to Madison County and they returned it for Local Determination with additional comments.

The foundation will be footers and a permanent. Dale Marland plans on removing the existing building when this garage is completed.

Chairman Rubenstein opened the Public Hearing at 7:56 p.m. and as there was no one present and there were no letters received, Chairman Rubenstein closed the Public Hearing at 7:56 ½ p.m.

There will be no undesirable changes to the neighborhood, there is a feasible alternative to the Area Variance and the request for an Area Variance is not substantial. There will be no adverse effects on any physical or environmental conditions, the difficulty was self-created and all information referenced has been considered and all parties in question have been heard.

A motion to approve the Area Variance for 6' to allow a 14' side yard variance with the following conditions 1) it be constructed according to the plans and drawings the applicant presented and 2) that the existing accessory building be removed upon completion of the garage, was made by Tom Arnold and seconded by Tom Harvey. All voted in favor and the motion carried.

**3. BILL CODY - 3232 ROUTE 20 EAST - RA ZONE – AREA VARIANCE – 96.19-1-34 – PUBLIC HEARING**

Chairman Rubenstein discussed with the applicant that we had not received anything yet from Madison County and therefore, could not make a decision. Tom Arnold, Tom Harvey and Mary Perry visited the site. Bill Cody explained that he wanted to replace

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an existing 10' x 10' shed with a 13' x 18' shed on the existing 10' x 10' concrete pad. He will be removing the existing shed once the new one is completed.

As the Board had nothing yet from Madison County, they suggested he bring in a rough sketch showing the type of construction, how high, where the doors will be, the downspouts and gutters, the type of roof and where it will be placed.

Chairman Rubenstein opened the Public Hearing at 8:10 p.m. There was no one present and no letters had come in. Bill Cody had talked to Ron Davies, a neighbor, and Ron Davies had no problem. Chairman Rubenstein adjourned the Public Hearing at 8:11 p.m. The Public Hearing will be reopened at the August 17, 2010 meeting.

A motion to adjourn the ZBA meeting was made by Tom Arnold. It was seconded by Mary Perry. All voted in favor and the motion carried. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Deborah Costello  
Zoning Board of Appeals

