

Town of Nelson
Zoning Board of Appeals
September 16, 2008

Chairman Jeff Rubenstein called the meeting to order at 7:39 pm. Present were Jeff Rubenstein, Mary Perry, Tom Harvey, Tom Arnold. Peter Radosta was absent.

Mary made a motion to accept the minutes as presented and Tom Harvey seconded. All voted in favor and the minutes were approved.

Danny Scott, 621 Walrath Rd. – WF Zone – Area Variance – Public Hearing cont'd

Danny explained that they wanted to take the 2 existing sheds and combine them into one. He said it would be vinyl siding to match the house. The variance would be for the side line setback as that is where the sheds are and they really can't move them somewhere else. This would involve a 14 foot variance for the side setback. If they were to move them, it might block the neighbors across the street from having a direct view of the lake. There is also a leach field that would be in the way.

The public hearing was re-opened at 7:51 pm and Peter Baker was there and said it would be a good thing as it will be more attractive and will clean up the yard. There was a letter from the Massett's, neighbor's to the south, in support of the project. The public hearing was closed at 7:53 pm.

Findings:

- a. There will not be any undesirable change produced in the neighborhood. There is a feasible alternate to this area variance for the applicant but then they would have to not build the shed. 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 was or evidence was considered.
- c. All parties in question had been heard.
- d. There was no intimate knowledge.

Conditions involved would be that nothing would be closer to the lot line, any sheds are to be taken away from the property and not re-used somewhere else and that the structure would be done in conformance with any requirements imposed by the Planning Board in their site plan review.

The board discussed the findings and a motion was made by Tom Arnold and seconded by Mary to approve the variance as requested - to allow a 14" variance for the side line set back. All voted in favor and the variance was granted.

Peter Baker – 2749 Erieville Rd. – RB Zone – Area Variance – Initial Appearance

Peter appeared before the board to explain that he wanted to add on to his garage. This would involve a 50 foot front yard variance and a 33 feet side yard variance. He would like to make a 1 _ car garage into a 3 car garage. He said it would be vinyl siding with a steel roof. Jeff asked about the hill and being so close to it. Peter said he will be putting a concrete retaining wall in there. Because he is so close to the lake and to the impervious road and impervious

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houses that are across the street, Jeff feels that run-off would still be an issue even though this is not technically in the waterfront zone. He suggested that Pete go to the Planning Board as they have more expertise in this area and get their opinions of run off, impervious surfaces, etc. Jeff also said that this will have to go to the Madison County Planning Board as this is next to a county road.

Public Hearing

The public hearing was opened at 8:06 pm. As there was no one in the audience to speak for or against this and because the ZBA had not yet received a recommendation from the County Planning Department, the public hearing was continued until next month. Motion was made by Tom Arnold to continue this public hearing until October 21, 2008 and seconded by Tom Harvey. All voted in favor.

Michael Armani – 3870 Eatonbrook Rd. – RB Zone – Area Variance – Initial Appearance

Mr. Armani could not be there and would like to defer this until the next meeting on October 21, 2008 because he did not get a chance to mail out his letters and we have not heard back from the county. The public hearing was opened at 8:10 pm and as there was no one here to speak for or against, the public hearing was continued until next month also.

There was a motion to adjourn the meeting by Tom Harvey and seconded by Mary. All voted in favor and the meeting adjourned at 8:12 pm.

Respectfully submitted,

Susan J. Henderson, Clerk