

ZBA Meeting
August 16, 2016
Nelson Town Office – 7 p.m.
Page 1

Present: Carl Shaw, John Foley, Eric Lints, Kathryn Eberst, Deborah J. Costello; ZBA Secretary and Roger Cook; Code Enforcement Officer. Absent was John Tobin. Acting Chairman John Foley called the August meeting to order at 7 p.m.

1. Minutes

A motion was made by Eric Lints and seconded by Carl Shaw to approve the June 2016 minutes as presented. There was no further discussion. All voted in favor. The motion carried.

2. Michael Bellamy (Helen C. Bellamy Irrev Trust) – 3115 Tuscarora Road, Erieville – Waterfront Zone Tax Map #133.5-1-26 – requesting a 7 ft. variance on both sides of a proposed dock

Mr. Bellamy appeared before the ZBA in June requesting a 7 ft. variance on both sides of a proposed dock for property located at 3115 Tuscarora Road that includes a 10 ft. easement. The 10 ft. easement is on property owned by Diane Cass and Tim McLaughlin. Mr. Bellamy is in the process of selling the property and has inquiries regarding a dock.

At the June meeting the Board had concerns about granting a variance to someone who doesn't own the land. Ms. Cass and Mr. McLaughlin had no problems with the Bellamy application. It was discussed and noted that anyone could have a dock in the water, which isn't their land, even though the Town of Nelson regulations state a dock has to be 10 ft. from neighboring imaginary property lines that run out into the lake. The question raised was would this proposed dock be attached, by the smallest amount, to the property owned by Ms. Cass and Mr. McLaughlin. In that event, an option could be a letter from Ms. Cass and Mr. McLaughlin stating they have no problem with the Bellamy's representing them.

The Board discussed Mr. Bellamy's right of access to the lake. It was noted there is no public access. There were concerns about setting a precedent. It was noted the current neighbors on each side, Tookers' and Cass/McLaughlin, have no issues with the proposal. However, it's likely they will not be the same neighbors in the future at which time there could potentially be issues.

The Board discussed bringing in small water vehicles; I.E canoes, kayaks and the possibility of future owners bringing in larger water vehicles; I. E. speedboats and party barges; which wouldn't leave much space between the neighboring properties.

Mr. Bellamy inquired about the grandfather status. It was noted that if the preexisting, nonconforming use ceases to exist for more than a calendar year; it loses its grandfather status. The dock had been removed some time ago and not put back in. Roger Cook, Code Enforcement Officer read from the Zoning Regulations regarding docks and quoted, "*No dock shall exceed four (4) feet in width, and no dock shall exceed one hundred sixty (160) square feet of total surface area. No dock shall be constructed within ten (10) feet of any lot line extended as a straight line into the lake.*"

ZBA Meeting
August 16, 2016
Nelson Town Office – 7 p.m.
Page 2

A motion was made by Eric Lints and seconded by Carl Shaw to deny the application. There was no further discussion. All voted in favor to deny the application. The motion carried.

The Board was notified that John and Amy Spring were withdrawing their application requesting a 10 ft. side yard variance for the construction of a pole barn. The Board briefly discussed the current 20 ft. x 20 ft. shed and whether a variance should have been requested and whether or not the 20 ft. x 20 ft. structure is in violation. The Board briefly discussed the applicant's original request (withdrawn) for a pole barn.

As there was no further business before the Board, a motion was made by Eric Lints and seconded by Carl Shaw to adjourn the meeting. There was no further discussion. The motion carried. The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Deborah J. Costello, Secretary
Zoning Board of Appeals
Town of Nelson