

Town of Greenville
Planning Board
Town Hall, Pioneer Building
11159 State Route 32
Greenville, NY 12083

March 26, 2013
Public Hearing

Attendees: Arnie Cavallaro, Brian Wickes, Bud Bear, Ken Elsbree, Lise Vander Pyle

Guests: Greg Seeley, Greg Stewart

Pledge of allegiance: 7:35 pm

Mr. Cavallaro stated for the record that the Planning Board is not being represented by the town attorney, Tal Rappleyea. Mr. Cavallaro requested five minutes to review the documents presented to the board.

Mr. Stewart requested to read the report from the Engineer.
Mr. Cavallaro replied, "We are not in a public hearing yet, we are just reviewing notes."

The members of the board have reviewed the documents given to them from the ZBA, Mr. Seeley, and Mr. Stewart.

Mr. Wickes requested Mr. Seeley to explain what he wants to do before the opening the Public Hearing.
Mr. Cavallaro asked Mr. Seeley, "Do you have any maps or drawings of what you would like to do?"
Mr. Elsbree asked Mr. Seeley, "How do you propose to divide up the property?"
Mr. Seeley stated that he would divide the land equally into two 2.7 acre parcels; the division would go up the middle of the property parallel with the boundaries.

Mr. Cavallaro asked, "Where does the residence sit?"
Mr. Seeley stated the house is on the left side (west).

Mr. Cavallaro asked, "Where does Mr. Stewart's property lie in relation to yours?"
Mr. Seeley stated it is on the right side (east) of his lot.

Mr. Cavallaro noted that Mr. Stewart owns a 1.4 acre lot.
Mr. Stewart replied, "Yes, it is grandfathered in before any zoning laws were in effect"

Mr. Seeley has presented the board with proof that certified mail had been sent to the abutting property holders ten days in advance of the public hearing.

Mr. Wickes asked Mr. Seeley "Is there a power line on the property?"
Mr. Seeley replied, "Yes, about 10 to 15 feet off the road along the side the property."

Mr. Elsbree asked, "Will there be 239 feet of approximate road frontage?"
Mr. Seeley replied, "Yes, the surveyor has the preliminary drawing."

Motion was made by: Brian Wickes to open the public hearing

2nd by: Bud Bear

All in favor: 4

Opposed: 0

Motion carried

Mr. Stewart stated, *"I appreciate being given the time to speak before the board and the Planning Board members for volunteering their time to serve the town. I am here as the head of my family who lives in this community and pay taxes here. This subdivision will negatively affect our property's land water supply. In addition, Mr. Seeley is seeking to make a profit from a subdivision. I would like to read the letter from our Engineer that was presented to the Zoning Board of Appeals and have it included in the minutes."*

Anthony R. Glover, P.E., L.S. consulting Engineer and Land Surveyor letter from February 7, 2013 is attached in the minutes.

"I might add that 2 wells and 2 septic systems will be going in because the ones there have not been used in years. Additionally, my working family has been treated unfairly by the ZBA. At the review; Joan Smith said before the meeting that the ZBA was looking favorably on zoning in Greenville. The ZBA asked Ralph Ambrosio if they could make their decision in executive session and was told yes, that the public did not have to be present."

Mr. Stewart presented all board members with copies of Open Meetings Law and the responsibilities of board members in regard to executive session.

Mr. Wickes stated, "We can or cannot address your comment. Whatever the ZBA did is what they did. Based on the variance the Planning Board makes a decision on a subdivision. You stated your concerns and your engineer said things that you do not have proof of. If you have proof and facts regarding perk tests, etc. provide them. You are stating that you don't want it.

Mr. Stewart replied, "I have an expert's opinion."

Mr. Wickes stated, "You only have an opinion. Sunny Hill Resort has a 1,000 foot deep well, what is you well's depth?"

Mr. Stewart answered, "75 feet."

Mr. Wickes replied, "Whoever put your well in did not put a reserve in. As far as town zoning laws go, in 1987 the actual law was put in looking to reduce speed of growth. In 1991, a revote of the prior law was conducted by the Town Board. No town can test every bit of soil; you are putting the burden of proof on the applicant. There isn't any credence with your engineer about a power line across the land.

Mr. Stewart asked, "What about the 50% variance?"

Mr. Bear and Mr. Wickes both stated, "That is the ZBA."

Mr. Wickes asked, "Do we know if there is going to be 2 wells and 2 septic systems? We don't know if a well will work and if a septic will pass a test.

Mr. Stewart answered, "15 years ago a septic and well were there."

Mr. Cavallaro stated, "We don't have control of that. There are smaller parcels in this area consisting of 1 to 2 acres in size."

Mr. Stewart replied, "Other properties around it are larger lots and there is a predominance of larger lots."

Mr. Wickes stated, "5 acres was about water and septic. 2 and ½ acres is more than enough to put up a well and septic and a structure. An acre is 212 ft. by 212 ft. the Dept. of Health requires at least 20,000 sq. ft. of area to put in a septic system."

Mr. Elsbree stated, "We can look at the application to the extent that the property may or may not build on it in the future."

Mr. Wickes asked Mr. Seeley, "Would you like to make any comment?"

Mr. Seeley stated, "I want to thank everyone and thank you Greg. This is America and everyone deserves to have his opinion known. I purchased this property from a NYC Auction, not from an auction in Albany.

If Greg Seeley wants to make one dollar or a million dollars, it is Greg Seeley's business and no one else's. I live here, I gave the decency to go to all the neighbors and let them know of my plans. I live an eighth of a mile from Mr. Stewart.

Mr. Stewart recanted, "You came to my house in uniform. You have an office and you come and tell you are going to do this. That was very intimidating, Greg."

Mr. Seeley responded, "I am a man of integrity. I would not use my position to intimidate you."

Mr. Stewart stated, "You are going to make a profit and it is a detriment to my family."

Mr. Cavallaro reminded Mr. Stewart, "You need to address your concerns to the board."

Mr. Seeley remarked, "Anthony Glover is Wendy's (Stewart) father. I think there is a conflict here. The utility lines are 10 feet off the road, 15 ft. tops along a town road. Mr. Stewart's concerns about bedrock aren't the case. I had an excavator come in to knock down the garage out front and bury it, he dug down 15 to 20 ft. of soil and there was no bedrock. Obviously, I will do a perk test, there is plenty of soil. The bedrock is not under the ground by 1 foot. If this is approved, if I want to put a house on it or the buyer wants to put a house on it; they would have to apply for permits for septic and building. If a raised septic is needed that will be addressed at that time. I have an artesian well, Tor Trueling (sp) has a 1,000 ft. deep well with a 6 ft. vein. This summer he plans on drilling another well. Travis Richardson does not have any water issues, nor does Valerie Fortman doesn't have any water issues. My well is 200 ft. deep. Greenville is going through rezoning. We chose to live back on our property (Demeo Ln.). We bought additional land to protect our privacy. I ask we look through this."

Mr. Elsbree stated, "A lawyer is not here and I have concerns that no maps are present. If the ZBA made a motion for an executive session it is not in the minutes."

Mr. Seeley stated, "Greg Stewart's property is 50 ft. down slope. Mr. Stewart's neighbors are also down slope from him. No problems there. I am willing to work with my neighbors, if they want to purchase this. "

A motion to close the public hearing was made by: Brian Wickes
2nd by Ken Elsbree

Arnie Cavallaro asked if there were any questions. None were stated.

Vote proceeded.

All in favor: 4

Opposed: 0

Motion carried public hearing closed.

Mr. Cavallaro expressed his thoughts, "We are not experts for water and septic systems. Septic systems do not come before us unless for public transportation. Whoever buys a lot must have approved plans and designs approved by Dept. of Health and the Building Inspector. Speaking from experience, "We brought in experts. Our neighbors had a low well of 80 ft. They had the option to pound it deeper. We had our well dug 200 ft."

Mr. Elsbree stated, "There is no mention of an executive session in the ZBA minutes, which we should clarify with the attorney. Mr. Stewart said it was approved by the lawyer that the ZBA could make their decision in executive session."

Mr. Cavallaro stated, "A well must be at least 100 ft. from the septic system."

Mr. Wickes stated, "Sloping does involve larger distance."

Mr. Cavallaro remarked, "Stone aggregate is used for leaching. 2.7 acres is well within the limits if the board was to put this through. I am looking at parcels that are: 2 acres, 1.1 acres, 3.4 acres, 1.4 acres, 1.5 acres and 1 acre in the vicinity. This fits into these residential groupings. I would like to make this right. I can't speak regarding perk test and I have no knowledge of it. "

Mr. Bear agreed, "No, we don't have any knowledge of perk ability."

Mr. Wickes stated, "We can make it a part of this."

Mr. Elsbree suggested that it would be to Mr. Seeley's advantage to do a perk test.

Mr. Wickes stated, "If the area is 6 feet deep and has bedrock, this is a condition for an above ground septic. If the bedrock is 7 ft. or deeper a regular septic system is acceptable."

Mr. Cavallaro stated, "The existing well and septic system is a Building and Code Enforcement matter. It is not the Planning Board's responsibility to address it. This is America; a person can buy a piece of property and so choose to get an engineer's report. The Planning Board is not qualified to comment on the engineers report. The 5 acre lot size was not for the Sunny Hill area."

Mr. Wickes stated, "The future of our zoning has nothing to do with Planning Board decisions."

Mr. Elsbree noted that the split in half looks like it is fine and when we look at maps we can look at it in more detail.

Mr. Wickes asked, "Are there any concerns. Mr. Stewart mentioned the 5 acre lots but it is not that close to Sunny Hill. Surprise and Greenville Center also have smaller lots in the RR zone. Minimum lot width should be clarified either by road frontage or placement of a building on a lot. For example: a 17 acre lot, 9,000 feet wide, hit your minimum lot width with a proposed structure or without."

Mr. Elsbree commented, "239, 240 feet, I think it is a good width. I think if you draw a line down the center, 390 feet in the rear would be narrower. I would make the recommendation to put the house in rear 300 - 400 feet from Mr. Stewart's house."

Mr. Wickes told Mr. Seeley, "We will require topographical maps for the meeting and survey maps; 1 Mylar and 4 additional maps. I want to see where the slopes are."

Mr. Cavallaro told Mr. Seeley take the short form of the SEQR to complete. "We are a Planning Board; our main job is the safety and welfare of the constituents. Whatever the applicant presents to the Planning Board and meets the requirements of the law. Sometimes it is not a popular opinion."

Mr. Bear stated, "The ZBA has already said that 2.7 acres is a legal lot size."

Mr. Elsbree stated, "I don't want to make any decisions until I see the maps."

Mr. Cavallaro remarked, "We will have to look at the lot in perspective of shared driveways and the roadway. The roadway is straight."

Mr. Seeley said, "That is all agreeable."

Brian Wickes made a motion to make a perk test on the vacant section of property that is being considered subdivision before next meeting on April 23, 2013.

2nd by: Ken Elsbree

All in favor: 4

Opposed: 0

Motion carried

Mr. Wickes state, "That will take care of the concerns addressed by the neighbors."

Mr. Cavallaro thanked Mr. Stewart for coming and for his opinions.

Mr. Cavallaro announced an additional item that was not on the agenda as new business.

Mr. Brian Wickes will have to abstain himself from the Planning Board for the application he is presenting on behalf of HWG, Inc.

Mr. Wickes is here to submit an application for: a Certificate of Appropriateness regarding parcel Id. # 12.04-3-20 located on the NE corner of State Route 32 and State Route 81. This was formerly a Mobil Mini Mart. Mr. Wickes presented architectural plans of the building showing plans to renovate the existing building to have possibly a pitched roof put on and vinyl siding to look like cedar shingle with a stone border. This drawing includes an addition of a boxed post and beam overhang with a concrete patio on the front side of the building.

Mr. Cavallaro stated, "Are the double doors a change needed to accommodate a counter for customers?"

Mr. Wickes answered, "Yes and to make room for seating. The property needs a variance for a covered patio and the refrigeration unit to be placed outside the building."

Mr. Cavallaro asked, "Will this consist of this design in regards to the roof?"

Mr. Wickes answered, "Yes, pretty much this is a 5/12 pitched roof."

The site will require a preliminary review. Fill out the Certificate of Appropriateness and have the necessary SEQRA short form completed. We will set a Public Hearing for April 9 at 6:30 pm.

Mr. Wickes is to get an abutters list and notice letter from the secretary.

Bud Bear made a motion to close the meeting.

2nd by Ken Elsbree

All in favor: 3

Opposed: 0

Abstained: 1