

**Town of Greenville**  
Zoning Board of Appeals  
Town Hall, Pioneer Bldg.  
PO Box 38,  
Greenville, NY 12083

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**January 13, 2015 Minutes**

**Attendees:** Sandy Garden, Mike Schlenker, Tom Vance, John Ingalls and Danielle Badamo-Overbaugh.

**Guests:** Paul Macko Mike Maxwell, Tom & Cathy Rini, Mark Overbaugh, Jackie Parks, Evelyn Jennings, Michele & Victor Weidman, Gloria Brown, Ed Colbert, Tammy Bullivant, Richard Brown, and Scott Colbert Atty.

*Motion to open the meeting made by Sandy Garden at 6:02pm.  
Seconded by: John Ingalls. All in favor: 4, Opposed: 0, Motion carried.*

**Pledge of allegiance**

*Motion to accept the minutes for November 10, 2014 made by Sandy Garden.  
Seconded by: Mike Schlenker. All in favor: 4, Opposed: 0, Motion carried.*

*Motion to open Public Hearing for Michael Maxwell made by Sandy Garden. Seconded by: John Ingalls. All in favor: 4, Opposed: 0, Motion carried.  
No Public present for the hearing.*

**Michael Maxwell – Area Variance for Subdivision: 9395 SR 32, Tax Map #51.03-1-16**

Mr. Maxwell summarized his proposed plans for a subdivision at his property located in Freehold. Mr. Maxwell presented the Board with surveyed maps. The property is approximately .77 acres and is zoned as Hamlet Business. Mr. Maxwell plans to divide the parcel into two separate parcels, at approximately .37 & .43 acres each. As the minimum lot size in the Hamlet Business zoning district is .5 acres, any attempt to subdivide this property will create substandard lots and will therefore require 2 variances for lot size if the applicant plans to proceed with the subdivision. Mr. Maxwell added that there are currently two residences on the parcel with a shared well. The house was built in 1922 & the trailer added in 1986. Board members reviewed the project and noted both proposed parcels would require an area variance and an additional well would be required as a condition of the variances.

*Motion made to approve 2 area variances at 9395 SR 32, with the condition that the well needs to be drilled on Lot #2, made by John Ingalls. Seconded by: Sandy Garden. All in favor: 4, Opposed: 0, Motion carried.*

*Motion made to close Public Hearing for Michael Maxwell made by John Ingalls. Seconded by: Sandy Garden. All in favor: 4, Opposed: 0, Motion carried.*

*Motion to open Public Hearing for Sandy Garden made by John Ingalls. Seconded by: Mike Schlenker. All in favor: 3, Opposed: 0, Motion carried*

**Sandy Garden – Sign Variance, Special Use Permit & Site Plan Review, 10057 Route 32, Tax Map #36.00-5-27**

Mr. Garden is appealing to the Zoning Board of Appeals for a sign variance in relation to his generator business at his property located at 10057 Rt 32 (Tax Map #36.00-5-27). The property currently includes a residence and is zoned as Low Density Residential. Mr. Garden plans to sell generators and power products out of his barn. The Board determined that the sign will require two variances; one for the size and one for the number of signs on a parcel. More specifically, according to Article X, Section B7(l): “There shall not be permitted more than one freestanding sign on a single parcel of real property. There shall not be permitted more than one sign per business affixed to a structure on a single parcel of real property. A freestanding sign may advertise one or more names or interests.” As Mr. Garden already has a sign on his property he will need a variance for the additional sign. According to Article XIX, a home occupation may have “a small sign of 2 square feet or less”. As Mr. Garden’s sign is 32 square feet, he will need a variance for the size of the sign.

On behalf of 2 abutting neighbors there was an Attorney present. He presented the Board with pictures taken of four signs placed on Mr. Garden’s property. Residents present addressed the fact that there are just too many signs, large in size placed throughout the property. Residents feel that the presences of these signs are very un-applying to the look of their surrounding properties. There was also discussion regarding a sign advertising for Rainbow Golf. Mr. Garden is not being paid for this advertisement, sign is posted as a courtesy. Zoning laws were reviewed by the Board, as to what sign size is allowed for a Home Operation. A 2x4 size is allowed, Mr. Garden is asking for a 4x8-sized sign. Mike Schlenker mentioned that Mr. Garden could just correct the sign size for the Board’s approval. Conversation was made between John Ingalls and Atty. Scott Colbert. Mr. Colbert mentioned that the Board allowing this sign variance was just wrong and that zoning laws need to be uphold to ensure the value of residential properties. The Board decided after reviewing the details further that it would be best to have the Town’s attorney review this case.

*Motion to table the Board’s decision and to leave this Public Hearing open until February 10, 2015 made by John Ingalls. Seconded by: Mike Schlenker. All in favor: 2, Opposed: 1 (Mike Schlenker), Motion Carried.*

*Motion to open Public Hearing for Thomas Rini made by Mike Schlenker. Seconded by: Sandy Garden. All in favor: 4, Opposed: 0, Motion carried.*

**Tom Rini – Area Variance for Private Road: 31 Aspen Way, Tax Map # 25.00-3-21.111**

Mr. Rini summarized his proposed plans for the subdivision of his property located at 31 Aspen Way (Tax Map #25.00-3-21.111). The property is approximately 17 acres and is zoned as Rural Residential and Low Density Residential. Mr. Rini plans to create a 2 acre parcel; the two acre parcel will be created in the portion of the property that is zoned as Low Density Residential. The remaining 15 acres of the original parcel already contains a house. The new 2 acre parcel already has an existing well. Board members conducted a preliminary review of the project. The parcel is located on a private road; Board members reviewed the requirements for a private road. The Town Street and Highway Ordinance states the following: “A private road is a road when so laid out shall be for the use of such

applicant. No more than three sites, lots, or blocks shall be located on this road. Private roads must be constructed to specifications herein, less topping, but may remain a private road. A joint maintenance agreement must be executed by all parties having access to such road and must be recorded in the Greene County Clerk's Office." The subdivision will result in the creation of an additional lot on the private road. As such, the application will require an area variance for the number of lots on the private road. Applicants were advised to bring a draft copy of the new road maintenance agreement to the public hearing, as well as a survey or detailed map (to scale); however they did not present the Board with any updated paperwork.

*Motion made to approve an area variances at 31 Aspen Way, with the condition that a new Road Agreement is made and signed by all present residents, made by Sandy Garden. Seconded by: John Ingalls. All in favor: 4, Opposed: 0, Motion carried.*

*Motion made to close Public Hearing for Tom Rini made by Sandy Garden. Seconded by John Ingalls. All in favor: 4, Opposed: 0, Motion carried.*

*Motion to close meeting made by Sandy Garden, Seconded by John Ingalls, All in favor: 4, Opposed: 0, Motion carried.*