

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

November 10, 2014 Minutes

Attendees: Tom Vance, Mike Schlenker, Tom Briggs, Sandy Garden, Art Marini, Mary Carney, and Danielle Badamo-Overbaugh.

Guests: Michael Maxwell, Sandy Garden, Tom and Katherine Rini.

Motion to open the meeting made by Tom Briggs at 6:00pm

Seconded by: Sandy Garden

All in favor: 5, Opposed: 0, Motion carried.

Pledge of allegiance

Motion to accept the minutes for May 13, 2014 made by Art Marini

Seconded by: Tom Briggs

All in favor: 5, Opposed: 0, Motion carried

Michael Maxwell - Area Variance for Subdivision- (Tax Map # 51.03-1-16)

Mr. Maxwell's property is .77 acres located at 9395 SR 32 Freehold and is zoned Hamlet Business. There are currently two residences on the parcel with a shared well. As the minimum lot size in the Hamlet Business zoning district is .5 acres any attempt to subdivide this property will create substandard lots. After review of the applicant's Subdivision application it was determined by the Planning Board due to the substandard size of the lot this project would require a variance for the lot size along with resolve for the shared well issue.

Board members reviewed the revised maps and the criteria for an area variance. The Board placed a condition on the variance stating that a well needs to be established before the subdivision is completed. Mr. Maxwell will also need to have a survey done showing the proposed lot lines. Public hearing is scheduled for December 9, 2014.

Motion for the Public Hearing made by Art Marini.

Seconded by: Sandy Garden

All in favor: 5, Opposed: 0, Motion carried.

Sandy Garden– Sign Variance, Special Use Permit & Site Plan Review: Generator Business- (Tax Map #36.00-5-27)

Mr. Garden presented his application for a generator business at his home property located at 10057 RT 32 Freehold. The property is zoned as Low Density Residential. Mr. Garden plans to sell generators and power products out of his barn. Board members reviewed the permitted uses in the LR zoning district and discussed how this business would be classified. The definition of home occupations and retail business were discussed and reviewed.

Home Occupation states any commercial use customarily conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the use of the lot; does not change the character of the dwelling; has no external evidence of such use (except for a small sign of 2 square feet or less) or exterior storage of materials or equipment; does not produce offensive noise, vibration, smoke, dust, odors, heat or glare, and is carried on by residents of the dwelling except that no more than two persons, not residents of the dwelling, may be employed.

Retail Business states a business selling goods, wares or merchandise directly to the ultimate consumer.

Mr. Garden read his drafted letter to the board. It was established that there are many retail businesses located in the LR district opened and operating to date. The board discussed both definitions in regards to home operation and retail business as well of location of where Mr. Garden would establish his business. There were differences of opinions between the board and the information presented. Special Use Permit & Site Plan Review was approved and established to be a home operation solely because Mr. Garden will be housing the business in an already standing structure. No public hearing was needed.

Motion to approve Special Use Permit & Site Plan Review by Tom Briggs.

Seconded by: Art Marini

All in favor: 3, Opposed: 1, Motion carried

Board members reviewed the sign variance application. Zoning states 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. Sign size which if 4x8, business size, is also detailed in the variance. Public hearing was scheduled for December 9, 2014.

Motion to schedule a Public Hearing for the Sign Variance made by Art Marini.

Seconded by: Tom Briggs

All in favor: 3, Opposed: 1, Motion carried

Thomas Rini- Area Variance for Private Road (Tax Map #25.00-3-21.111)

Mr. Rini's property is located at 31 Aspen Way, it is approximately 17 acres 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 LR. The new two acre parcel already has an existing well. The Planning Board members did a preliminary review of the project. The parcel is located on a private road; requirements for a private road were then reviewed. 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 applicant was referred to the Zoning Board of Appeals because the subdivision will result in the creation of an additional lot on a private road. Road agreement in place to date only allows 3.

The board discussed and reviewed the maps presented as well as the Zoning Code/Road Agreement for a private road.

After review the board recommended that Mr. Rini have a survey done, present the Board with maps to scale signed and sealed, and draft a new road maintenance agreement. Public hearing was scheduled for December 9, 2014.

Motion to schedule a Public Hearing for Area Variance for Private Road made by Tom Briggs.

Seconded by: Art Marini

All in favor: 5, Opposed: 0, Motion carried

Motion to close the meeting made by Art Marini.

Seconded by: Tom Briggs

All in favor: 5, Opposed: 0, Motion carried.