

Town of Greenville Planning Board

PO Box 38
Greenville, NY 12083

May 5, 2021

Minutes

Attendees: Planning Board Members: Don Teator, Bud Bear, Ken Elsbree, Deb Danner, Jay Goodman and William Bardel by phone, Attorney: Tal Rappleyea by phone and PB Clerk: Hope Nugent.

Guests: 5 audience members by phone

Meeting opened by Don Teator at 7:00 pm

Gary Harvey for Greenville Fire District – Subdivision – 25.00-5-21

Mr. Harvey was present tonight to represent the Greenville Fire District. He stated that they own 15 acres on SR 81 just east of Greenville Center. They would like to subdivide out 2 acres on the North West corner of the property for a possible location for the Rescue Squad. There is 300' of road frontage as well as 300' depth of the subdivision. Mr. Harvey stated that they will be using the existing access that is on SR 81. Don asked if there were any questions or comments. Bud stated that he would need to recuse himself from the vote due to being a Fire Commissioner. It was stated that the dimensions were fine as well as the road frontage, but Don did ask about wetlands. Mr., Harvey stated that there was a small area of wetlands and he would make sure to note them on the final map.

Motion to declare Lead Agency was made by Ken Elsbree. Seconded by Jay Goodman. All in favor: 5, Opposed: 0, motion carried. Bud Bear recused himself from the vote due to being a Fire Commissioner.

Motion to set Public Hearing for 2 lot subdivision on June 2, 2021 was made by Jay Goodman. Seconded by Ken Elsbree. All in favor: 5, Opposed: 0, motion carried. Bud Bear recused himself from the vote due to being a Fire Commissioner.

Al MacDonald for Paul & Martina Healy – Subdivision – 52.00-3-46.2

Mr. MacDonald was present tonight to represent Paul & Martina Healy. They own a 20.015 acre parcel North West of the intersection of Drake Hill Road and King Hill Road. It is part of a previous subdivision which was done in January of 2001. Mr. MacDonald stated that the Healy's would like to subdivide the parcel into 2 lots. The first 10B-1 would be 6.652 acres, with 200' road frontage on Drake Hill and 400' frontage on King Hill Road. The second lot, 10B-2 would be 14.363 acres and also have 342' road frontage on Drake Hill and 440' of frontage on King Hill Road. Mr. MacDonald stated that right now the parcel is vacant land. The driveways that are seen on the map were originally mapped out during the January 2001 subdivision. However, the existing driveway will need to be used to access the new lots. Tal asked if there were any wetlands especially since the driveway goes over both parcels. It was also asked by the Board about access from a different location. Mr. MacDonald stated that the reason for using the existing driveway is due to the nature of the parcel, which is very steep. Don stated that due to just getting the information the Board will review further at the next meeting.

Discussion

Heidenberg – Subdivision

Don stated that the Board had been supplied with information about subdivisions happening due to roads from Al MacDonald, the surveyor for the Heidenberg's. Don asked Tal to update. Tal stated that there is

no case law and there is no statute on point that states whether a parcel divided by road property has what is called a natural subdivision. Tal stated that the only guidance that is given is from a small article in a handbook from the NYS Department of State that basically states that a road does create a natural subdivision. Tal also stated that it is left up to the town to decide if they are going to accept a subdivision of this nature. Tal stated that a policy at the Town Board level could be done but the Town Board could leave it up to the Planning Board to decide. Don asked if it made sense to go along with it. Every Town Tal has worked has accepted this type of subdivision. Deb stated that a subdivision of this nature should be looked at by a case by case manner depending on lot size. Don asked that if lot sizes are ok, the Board would then send it to the Zoning Enforcement Officer, Mark Overbaugh for him to take care of. Tal and Al discussed that specific language would need to be placed in the deed concerning this type of subdivision. Don asked the Board their opinion on this type of subdivision. Ken stated that he would still like to see anyone with this type of subdivision to come before the Board so they can review lot sizes and then send to Mark Overbaugh, ZEO, for him to oversee completion. Deb, Will, Jay would like to handle this type of subdivision on a case by case basis. Don stated that the Board will review this again next month. Tal stated that the Town Board will want a recommendation from the Planning Board for handling this type of Subdivision.

Don asked Tal for an update on what was going on with Red Mill Solar. Tal stated that the Town Board made the resolution to accept the scenic byway, and it had been referred to the ZEO for his determination as it relates to Red Mill Solar. Mark Overbaugh, ZEO, had made his determination, and in a letter to the Town Board, Planning Board, Zoning Board of Appeals as well as Red Mill Solar LLC, stated that the application for Red Mill Solar cannot continue. Tal stated that Red Mill Solar has the option of going before the Zoning Board of Appeals for a use variance. He did say that a use variance can be very difficult to get as Red Mill Solar would have to prove a hardship. Don asked if there was a policy in place to stop the review of materials. Tal stated that with the ZEO's decision, the application is moot so the applicant is now off the agenda. Don asked if Red Mill Solar goes to the ZBA is anything that the Planning Board has already done able to go to them. Tal stated that he believes the ZBA would welcome any information. Will said that he would look into the zoning law more as well as the comprehensive plan for any helpful information, as well as Planning Boards concerns and write up a summary and would send it to Tal for his review before sending it along to the ZBA. Concerns were voiced from the Planning Board members such as ownership turnover of the project, and not having addressed everything included in a Special Use Permit. It was determined that these concerns will have to wait since the board is no longer reviewing the application.

Minutes

Motion made to approve the minutes from April 7, 2021 was made by Ken Elsbree. Seconded by Bud Bear. All in favor: 5, Opposed: 0, motion carried.

Close Meeting

Motion made to close the meeting at 8:02pm made by Deb Danner. Seconded by Jay Goodman. All in favor: 5, Opposed: 0, motion carried.