

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

February 12, 2013

Public Hearing

Attendees: Joan Smith, Sandy Garden, Tom Vance, Ralph Ambrosio, Esq., Lise VanderPyle

Guests: Greg Seeley, Greg & Wendy Stewart, Anthony Glover, P.E., L.S. and Paul Macko

Pledge of Allegiance 6:06 p.m.

Application for Variance 52.00-1-9 5.4 acres zoned Rural Residential
Application for: 50 % area variance and a 50 ft. variance for width.
Applicant would like to make two 2.7 acre lots from an existing 5.4 acre lot.

Motion to open the Public Hearing: Joan Smith

Seconded: Sandy Garden

All in favor: 3

Opposed: 0

Motion carried.

Applicant is looking to subdivide 5.4 acres and Mr. Seeley wants to split the parcel in half. The two lots would consist of one with existing residence to be on 2.7 acres and another to be vacant land of 2.7 acres. A well and septic are on the existing lot.

Mr. Seeley stated, "I know the abutters have concerns and have spoken with Mr. & Mrs. Stewart regarding their concerns".

Sandy Garden stated, "We did get the letter from the engineer who represents the Stewarts".

Mr. Greg Stewart submitted the following letter and read it aloud for the record.

"Dear Sirs:

As an adjacent landowner and Greenville resident for 11 years, I have concerns about the proposed subdivision of the 5.4 acre lot (tax map 52.00-1-90) on Sunny Hill Road. The lot was recently purchased and the owner plans to subdivide it into two parcels, though this is not allowed in the current zone of Rural Residential, which has a five acre minimum lot size.

My home is adjacent to the parcel and I have had low water yields in my well, especially during the summer months. I am concerned that the addition of one more well could negatively impact

the well I use for my home and my family and be a detriment to my property. Water quality on adjacent properties could also be impacted by an inadequate septic system.

When I purchased my home, I was aware of the zoning. The rural and agricultural natures of this area were a reason that I chose this location for my home. In addition to the proposed subdivision not meeting the minimum lot size, the road frontage requirements of the Rural Residential zone would not be met by the proposed subdivision. Although my major concern stems from the aquifer impacts, setback from the road and from my property line could also be detrimental to my property value.

Sincerely, Greg & Wendy Stewart”

Mr. Antony Glover, Consulting Engineer and Land Surveyor had sent in a letter on behalf of the Stewarts on February 7, 2013. This letter is included with the minutes.

Mr. Glover stated, “ a subdivision is not allowed in the current zone. The Stewart’s have low yields in their well. A subdivision would have a negative impact and be a detriment to his property”. He continued to mention inadequate septic systems are a concern, aquifer concerns and the set back from the road is a concern. Mr. Gallo knows the variance would also affect frontage.

Mrs. Wendy Stewart stated that 11 years ago she knew the zoning laws that were in effect and she is opposed to a variance being granted.

Joan Smith stated, “Your letter was received yesterday from your consulting engineer Mr. Glover.” We’re going through a flex in zoning laws and we are aware that the 2001 rules are in effect.”

Mr. Seeley stated that he has plenty of water on his property and gets 15 gallons per minute.

Tony Glover is concerned with where things can be located including the septic system, the well and utility lines in respect to the parcels. He reiterated that, a 5 acre parcel is the existing requirement for development in the 2001 Zoning Law. He stated, “I don’t think that from a planning point of view to make money as a prospective goal at the jeopardy of a neighbor.”

Mr. Ambrosio, town counsel reminded the audience that, “Town Law provides for variance request. We have five points that must be considered by the ZBA to grant a variance”.

Mr. Seeley stated that a new subdivision was grant 1 mile away and was approved by the ZBA. He stated, “They have good concerns and he can understand them (the Stewarts).”

Tom Vance stated, “We look at the law and the lot width and area. The Planning Board looks at the location of the wells, septic, etc.”

Greg Stewart stated, "We are concerned with the land value going down. Our mortgage will be over in 4 years".

Mr. Ambrosio asked Mr. Stewart, "How many wells are your property?"

Mr. Stewart answered, "We have one well that is situated on bedrock and requires a chlorinator to treat the water."

Mr. Seeley stated, "I have an artesian well and it is the only well on my property".

Mr. Stewart said he and other neighbors have issues with their wells during the summer months when the water table is low. He has had water come out brown because of the low water level in the well.

Tony Gallo stated, "The parcel would be barely more than the minimum zone (in the town). This is a considerable amount (in the current zone)." He gave the example that half of a 9 acre parcel is more understandable than splitting the 5.4 acre parcel". Mr. Gallo pointed out that this parcel is a few hundred feet away from a 5 acre minimum subdivision.

Mr. Seeley stated, "there are smaller parcels in the area".

Mr. Stewart stated, "the existing Zoning Law in place".

Mrs. Stewart stated, "Anyone can apply for a variance. This project is to make money".

Motion to close to Public Hearing: was made by Joan Smith

Seconded: by Sandy Garden

All in favor: 3

Opposed: 0

Motion carried

Sandy Garden stated, "I am against zoning. These people have a valid concern".

Joan Smith stated, "I have concerns regarding the letter from the consulting engineer and land surveyor".

Mr. Ambrosio stated, "You have the discretion to make a decision".

Motion to Vote on the Variance Application: by Sandy Garden

Seconded: by Joan Smith

All in favor: 3

Opposed: 0

Motion carried.

The Zoning Board members went over the five points that the ZBA must consider and completed the form for Mr. Vance to sign. The form is to be typed up by the secretary and Mr. Vance will review and sign it.

Motion to close: Joan Smith

Seconded by: Sandy Garden

All in favor: 3

Opposed: 0

Motion carried.

Anthony R. Glover, P.E., L.S.
Consulting Engineer and Land Surveyor
4124 Churton Road, Vernon, NY 13476 (315) 829-3757

Zoning Board of Appeals
Town of Greenville
PO Box 38
Greenville, NY 12083
Attn. Chairmen Briggs and Vance

7 February 2013

Re: Proposed Subdivision of the Seeley Property, Sunny Hill Road

Dear Sirs:

I have been asked by Gregory and Wendy Stewart, owners of parcel 52.00-1-10 on Sunny Hill Road, to comment on the proposal to subdivide the adjoining parcel of land, the Seeley parcel (52.00-1-90), to the west of them and uphill of them. The intent is to split a 5.4 acre parcel into two 2.7 acre parcels. The current zoning for that area is a minimum of five acres. The Stewarts are concerned about the effect on them of this proposed change and, in my opinion, this is a justified concern.

I have been a licensed Professional Engineer and Land Surveyor in New York State since the 1970's and much of my work has been in the subdivision of land, the supply of potable water, and the disposal of waste-water. My reasons for thinking that this is not a sound proposal are based on both planning and engineering concerns and are as follows:-

PLANNING

The Town Board adopted in 2001 a zoning ordinance that included a minimum lot size of five acres for this part of the town. This is a rural area and the adopted lot size is quite appropriate. A subdivision, Green View Estates, close to the parcel in question was approved by the Planning Board in the 1990's and this subdivision has minimum lot sizes of five acres as required. It would be inconsistent to allow

the splitting of this 5.4 acre parcel, very close in size to the required minimum, into two separate parcels. There cannot be a hardship consideration in this, since the 5.4 acre parcel was recently purchased and the purchaser would have known the minimum lot size.

Additionally, this parcel is restricted in the way that it could be developed, even in its full acreage, by a utility line that crosses it and thus imposes limitations on where dwellings can be located.

ENGINEERING

The minimum lot size for rural parcels is set for a number of reasons, including the fact that minimum separation distances must be maintained between wells and septic systems. The normal minimum is 100 feet. However, when there is sloping land involved, this minimum generally rises to 200 feet. The State Health Department requirement, from Appendix 75-A, states "When sewage treatment systems are located in coarse gravel or upgrade and in the general path of drainage to a well, the closest part of the treatment system shall be at least 200 feet away from the well". Due to the steep slope of Sunny Hill Road, and the fact that the Stewart property is downhill of the Seeley parcel, these minimums would apply. In addition, any house on the proposed 2.7 acre parcel would have to have these minimum separations apply, including from the well and septic system of the existing house.

I have not done any deep hole investigations, or percolation tests, in this area but am aware of bedrock being close to the surface. This usually creates difficulties in the design of a septic system as the waste-water can often flow rapidly towards a well, through crevices, with little appropriate soil to remove harmful bacteria. An Alternate Design septic system is generally required, involving the importation of fill material and the construction of tapers around the raised system. Any separation distances, between the system and a well, are measured from the toe of this taper, adding to the overall size requirements of a building parcel.

It is most likely that a new septic system will be required for the existing house on the Seeley parcel, as part of any improvements to that house. This new system will probably require fill to provide vertical separation between leaching trenches and bedrock, including a taper from which horizontal separation distance will need to be measured.

A further reason for large rural parcels is that there is not always adequate groundwater readily available for wells. The Stewarts have a limited well water supply at present and there is a concern that an additional well in the vicinity might further restrict their well's capacity.

For the above reasons, it can be seen that developing this existing 5.4 acre parcel into two 2.7 acre parcels will provide significant engineering problems and could adversely affect the water quality and quantity for the Stewarts.

In summary, it is my opinion that this parcel should not be subdivided. The proposal would result in two parcels that are substantially less than the minimum, per zoning. In fact, hardly more than one half the minimum size. There is no compelling reason why this proposal should be approved, and I believe it should be denied.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Glover", written in a cursive style.

Anthony R. Glover P.E, L.S

cc: G.Stewart