

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org

Minutes – December 14, 2020

Present: Chairman Rich Vienna, Grace Perry, Bob Price, Mickie Kelly, Stacey Gray, Shawn Cotter, Justin Bruen (CEO), Lance Brabant (MRB), Jeff Wood, Steve Sciarratta, Tim Vaughan, Jimmy Kramer, Sara Benham

On-Line thru Join.Me Link: Bill Grove (Grove Engineering), PB Chairman Jim Bator, Narina Schulz

WORKSHOP 6:15 p.m.

Chairman Vienna opened the meeting at 7:00 p.m.

ZBA Roll Call: Robert Price, Grace Perry, Mickie Kelly, Rich Vienna, Stacey Gray

General Business: Approval of Minutes

Mickie Kelly moved to approve the November 16, 2020 minutes as presente, seconded by Bob Price. Motion carried.

Board Business: Emily Jeffery – TM #99.00-1-56.000 – (Lincoln Hill Rd.)

Variance Applications PZ-2019-038, 2019-039, 2019-040

- Lot #2 – Proposed lot width of 45.00' where 150' is required
- Lot #3 – Proposed lot width of 50.72' where 150' is required
- Lot #4 – Proposed lot width of 30.00' where 150' is required

The Chairman stated the Public Hearing for the Emily Jeffery Variance applications was closed at the November 16, 2020 meeting, and therefore the Board will move forward with reviewing the findings for the variance requests. He further added, while reviewing the 5 criteria items, the Board will be combining Lot #2, Lot #3 and Lot #4 simultaneously.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

The Chairman stated an undesirable change will take place in the neighborhood.

Stacey Gray stated after reading Town Code and the way homes are currently situated on Lincoln Hill Rd., only the proposed road frontage would be an undesirable change.

Board Members Grace Perry, Mickie Kelly and Bob Price stated road frontage is small, however the lots are large in size and are in keeping with the other homes in the neighborhood.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

Bob Price stated the only other method that may be feasible to the applicant may be a cluster development allowing for one road for 4 or more homes to be built.

Grace Perry stated the only other method is to have fewer houses, but variances would still be necessary.

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3. Whether the requested area variance is substantial: Chairman Vienna stated **The variances are substantial, Lot variance requests: Lot 1 proposed lot width of 45' where 150' is required, Lot 2 proposed lot width of 50.72' where 150' is required, Lot 4 lot width of 30' where 150' is required.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **No**
Lance Brabant added SEQR has been completed by the Planning Board, and a negative declaration was made for an environmental impact.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance: **The difficulty was self-created when the owners divided the parcel in 2007.**

Bill Grove stated in 2007 the existing parcel was a legal subdivision and the 30'+ area of road frontage was in keeping with Town Code at the time of the subdivision. However, new Zoning Laws went into effect in 2013, which then created the difficulty for the owners of the Lincoln Hill Rd. parcel.

Chairman Vienna thanked Mr. Brabant, Mr. Grove and the Board during the Jeffery application process.

Chairman Vienna asked for a motion to deny all three variance requests for the Jeffery applications.

Bob Price moved to deny variance application requests for PZ-2019-038, PZ-2019-039 and PZ-2019-040. Motion was seconded by Mickie Kelly.

Roll Call: Stacey Gray – yes Grace Perry – No Mickie Kelly – yes Bob Price - yes Rich Vienna - yes

Motion to deny was carried.

Adjournment:

Stacey Gray moved to adjourn, seconded and carried. Meeting adjourned at 7:30 p.m.

Submitted by: *Shawn L. Cotter* – January 18, 2021