

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

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

Minutes – November 16, 2020

Present: Chairman Rich Vienna, Grace Perry, Bob Price, Mickie Kelly, Shawn Cotter, Justin Bruen (CEO), Lance Brabant (MRB), Bill Grove (Grove Engineering), Tim Vaughan, Steve Sciaratta

On-Line thru Join.Me Link: Board Member Stacey Gray, Narina Schulz, James Cramer, Viewers 4 & 5

WORKSHOP 6:30 p.m.

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

ZBA Roll Call: Robert Price, Grace Perry, Mickie Kelly, Rich Vienna, (On-line: Stacey Gray)

General Business: Approval of Minutes

Bob Price moved to approve the October 19, 2020 minutes as presented; seconded by Grace Perry, motion carried.

Privilege of the Floor: No one from the public spoke.

Continuation of Public Hearing for: 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

Call-In: Narina Schulz stated flag lots are undesirable and not in character in the R-1 zoned neighborhood, and stated Canandaigua Lake Water Shed Director states that a storm water pollution plan is critical for the Lincoln Hill Rd. development, the proposed sub-division land is steeper than the pre-existing homes on Lincoln Hill Rd., Lot 4 re-designed driveway runs along a neighbor's property and is too close, and the variance requests are substantial.

Narina Schulz asked if there is a setback requirement for driveways.

Call-In: Board Member Stacey Gray asked for clarification on which Zoning district the Jeffery parcel is located.

CEO Bruen stated the parcel is located in an R-1 District and added there are no setback requirements for driveways since they are not structures.

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Chairman Vienna stated the driveway location is a matter for the Planning Board, the agenda items for ZBA is strictly to consider the variance requests.

Call-In: James Cramer asked if a new SEQR would be required since the Subdivision Plans have changed.

Lance Brabant stated he sees no reason why a new SEQR would need to be done based on the updated subdivision site plans. However, that is a Planning Board determination, but he does not foresee the Planning Board making the decision for an updated SEQR.

Mr. Sciarratta stated he has concerns with the placement of the new driveway and flooding which may occur on his property, which already has drainage issues during certain seasons and asked for other ways to handle run-offs onto his leach beds and property.

Bill Grove stated the driveway could be pushed away from Mr. Sciarratta's property line a bit further, and look into further reducing excessive drainage that may occur from the proposed driveway.

Mr. Grove added that Lot 4 home has been pushed back in order to not block the view of the pre-existing home that Mr. Cramer resides at on Lincoln Hill Rd.

Mr. Cramer thanked Mr. Grove for changing the site plan for the proposed dwelling that would possibly block his view of the lake.

Tim Vaughan stated if variances are approved, other matters may have consequences, adding, there are other homes with smaller lots on Lincoln Hill Rd., however, none required flag lots.

Grace Perry moved to close the Public Hearings for applications: PZ-2019-038/039/040, seconded by Bob Price. Motion carried unanimously.

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

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

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Chairman Vienna stated for the record the he himself has reviewed the application for variance requests, along with all the submissions from residents, applicant's Engineer and Town's Engineer. He stated there are many things to consider and re-iterated that the Board of Appeals only handles the variances, the Planning Board handles the Subdivision/Site Plan aspect of the application.

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Chairman Vienna read aloud SEAF Part II for the three variance applications submitted by Grove Engineering for review, submitted November 2019.

The Chairman continued stating it is the job of the ZBA to consider all the factors and look at the application and zoning laws. He further added that since one of the Board members is not available to vote and there are only four present, he believes it best for the Board to review the questions for SEAF Part II concerning each of the three variance requests, make notes and determinations for the next scheduled ZBA meeting on December 14, 2020.

It was noted that the 90-day extension that the Planning Board, who designated themselves as Lead Agency concerning the Jeffery application, is due to expire on November 24, 2020. The Planning Board is required to make a decision concerning the application within a certain timeline.

Lance Brabant asked Mr. Grove to send an e-mail requesting another extension of 60-days from the Planning Board in order for the ZBA to render their decision concerning the variances at the December 14, 2020 meeting.

Mr. Grove stated he and his clients would like the Planning Board to grant additional time to render their decision about the proposed Jeffery subdivision on Lincoln Hill Road, and are comfortable allowing them until the January PB meeting to render their decision, with the intent being that the ZBA should have sufficient time to act on the proposed variances in the meantime.

Mr. Grove will send an e-mail after tonight's ZBA meeting requesting the Planning Board to approve the extension at their next schedule meeting November 23, 2020.

Adjournment:

Bob Price moved to adjourn, seconded and carried. Meeting adjourned at 7:40 p.m.

Submitted by: *Shawn L Cotter* – December 14, 2020