

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

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

Minutes – September 21, 2020

Present: Chairman Rich Vienna, Grace Perry, Bob Price, Mickie Kelly, Stacey Gray, Shawn Cotter, Kyle Trickey, Alan Trickey, Narina & Cullen Schulz, Tim Vaughan, Sara Benham, Jimmy Kramer, Steve Sciaratta, Jeffrey Wood, Shaun Logue (MRB)

Phone Call-in: Bill Grove (Grove Engineering) Paula Doogan

TRAINING WORKSHOP 6:30 p.m.

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

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

General Business: (Minutes from August 17, 2020) not reviewed or approved by Board

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

Public Hearing: Alan Trickey – 3672 State Route 488 – Clifton Springs – 14432
PZ-2020-010 – TM # 58.00-2-100 – Variance Accessory Uses

ZBA Clerk read aloud the Public Hearing Notice.

Alan Trickey is requesting a variance of 2.8' setback for 193 sq. ft. pre-existing accessory structure where 15' setback is required and, a 5.4' setback for 310 sq. ft. pre-existing accessory structure where 15' is required.

Alan Trickey stated he is seeking to subdivide his parcel and remove the single-family dwelling from his property which his son is purchasing for his home. At this time, the pre-existing barns will remain with his home and farm. There is currently no electricity in the barns and they are used for storage.

Stacey Gray asked if there was another feasible way to divide the property and driveway, allowing the barns to perhaps be on his son's parcel.

Alan Trickey stated at this time the barns will be retained and maintained on farm property which he currently owns, and will not be the responsibility of his son.

Shaun Logue stated for the record, there were three individual who were on-line through the MRB join.me link. No participants spoke concerning the Trickey public hearing.

Robert Price moved to close the public hearing for application PZ-2020-010, seconded by Rich Vienna. Motion carried.

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Board Business: Alan Trickey – 3672 State Route 488 – Clifton Springs – 14432 PZ-2020-010 – TM # 58.00-2-100 – Variance Accessory Uses

The Board briefly discussed the Trickey variance applications and determined that the property to be divided, is family owned and will continue to remain in the family, the variances are not substantial and the new owner Kyle Trickey has no issue with the barns proximity to his property.

Kyle Trickey added that it is more important to him to have a little extra lawn space with the house he is purchasing than to meet the set-back requirements for the existing barn structures.

The Board determined the application is zoned AG and therefore the application was classified as a SEQR Type II Action.

TOWN OF HOPEWELL ZONING BOARD OF APPEALS RESOLUTION ALAN TRICKEY - 3666 STATE ROUTE 488 – CLIFTON SPRINGS – NY 14432 - TM# 58.00-2-52.100 PZ-2020-010 AREA VARIANCES – AG DISTRICT

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering an Area Variance to approve a 2.8' setback for 193 sq. ft. pre-existing accessory use structure where 15' is required, and an Area Variance to approve a 5.4' setback for 310 sq. ft. pre-existing accessory use structure where 15' is required, the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR), and

WHEREAS, the ZBA classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 c4 agricultural farm management practices of the SEQR Regulations; and

NOW, THEREFORE, BE IT RESOLVED, the ZBA hereby ☒ **Approves without Conditions;** ☐ **Approves with the following Conditions;** or ☐ **Denies the application for the following reasons:**

The above resolution was offered by Mickie Kelly and seconded by Grace Perry at a meeting of the Zoning Board of Appeals held on Monday, September 21, 2020 Following discussion thereon, the following roll call vote was taken and recorded: Stacey Gray – aye Robert Price – aye Mickie Kelly - aye Grace Perry – aye Rich Vienna - aye

I, Shawn L. Cotter, Zoning Board of Appeals Clerk, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Hopewell Zoning Board of Appeals for the September 21, 2020 meeting.

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Chairman Vienna stated the Planning Board has designated themselves as Lead Agency and completed SEQR Review for the Jeffery application, therefore the ZBA may now move forward with the variance applications pertaining to the Jeffery, Lincoln Hill Rd. property.

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

Chairman Vienna opened the Public Hearing for comments.

Narina Schulz presented the Board with an e-mail from Greg Trost (NYSDOT) concerning information located on the NYSDOT website concerning driveway standards. (Copy of e-mail attached to minutes.)

Ms. Schulz gave a brief demonstration with her son with toy automobiles as examples located in driveways on Lincoln Hill Rd., while describing dangers involved with close proximities of driveways and accidents that are likely to occur.

Ms. Schulz reviewed the five criteria involved with Variance Determinations:

1. **Undesirable change in the character of the neighborhood.** (Ms. Schulz stated Sylvia Moore of the Planning Board commented that the Hopewell Comprehensive Plan does not allow for flag lots).
2. **Feasible alternative other than Variance.** (**A.** ZBA should consider alternatives that are lawful under Hopewell Zoning Laws, **B.** Owners could sell parcel to adjoining neighbors, **C.** Property owner Sciarratta has right of first-refusal to purchase the Jeffery parcel, **D.** Engineer Bill Grove offered to extend driveway to three parcels and does not believe he will do this unless the Board denies variances).
3. **Area Variances are substantial.** (Driveways will be too close to one another).
4. **Adverse effect or impact on physical or environmental conditions.** (**A.** There are currently flooding and storm water problems in the neighborhood which will now escalate. **B.** County Planning Board stated there are no drainage calculations for rain gardens on site plan. **C.** There is not enough capacity for impermeable surfaces. **D.** Storm water pollution prevention plan has not been submitted by Engineer).
5. **Alleged difficulty self-created.** (The owners have self-created the difficulty. They have a 10-acre parcel with one driveway and can easily have one home on the parcel. The owners self-created their problem when they subdivided property and sold original home to the Sciarratta's and have already made a profit when they sold the property).

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Tim Vaughan addressed Grove Engineering memo dated August 21, 2020 (Attached to minutes):

#4. Nine new houses built on Lincoln Hill Rd. in the past 10 years. Currently two more vacant building lots on Lincoln Hill Road that could be developed. Adding four more building lots that are around 2.5 acres each is very much within the character of the neighborhood. (None of the other lots have come before the Board for variances.)

#10. The proposed subdivision is similar to the subdivision that was proposed in 2016, but not identical. (The root cause why the Lincoln Hill Rd. residents are before the Board is because the Jefferies are seeking three variances. In 2016 a public hearing notice was published for the same variances and those numbers are identical to the ones being requested currently.)

Jeff Wood stated a great deal of information has been passed between the residents of Lincoln Hill Rd. and the Boards over the last four years, and stated how important this application has been to the residents. Mr. Wood hopes the Board takes everything that has been submitted into consideration when reviewing the variance requests and thanked the Board for their patience, late nights and hard work.

Shaun Logue of MRB opened the opportunity for those who joined through the join.me on-line link.

Bill Grove (Grove Engineering) stated he will investigate further joining three-lots with one driveway (lots 2, 3 & 4) and asked the Board to not act on the variance requests at this meeting. He would like to submit a new plan with shared driveway. However, he is still requesting variances since parcels must have road frontage and cannot have landlocked properties. He will also look into changing the view-shed on one of the lots. He further added, the 30ft. driveway would be eliminated from the plans; however, the variance is still necessary for the lot.

Mr. Grove asked the Board to continue the public hearing in order for him to submit new plans for the public, MRB and Board review prior to the Board moving forward with the variance applications determination.

Paula Doogan joined in from join.me link and stated she is the daughter of Emily Jeffery and would like the residents of Lincoln Hill Rd. to know that today is the first day she has heard from Mr. Grove concerning sharing a driveway with three of the proposed lots. She stated she believes it is a good compromise and wants what is best for the neighborhood, wants the neighborhood safe for everyone, and will keep in mind about everyone's view-shed.

Ms. Doogan stated in regard to the neighbor who made the comment about purchasing the Jeffery property, a letter was sent from the family's attorney to Steve Sciarratta concerning purchasing the Jeffery property. At this time, to her knowledge, no price offer has been made to the Jefferies from Mr. Sciarratta.

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Ms. Doogan asked the Board to complete the variance applications as soon as possible, since this application has been going on for an extremely extended time, and thanked the Board for their time.

There were no other call-in's who made comments during the meeting.

Stacey Gray moved to continue the Public Hearing for Jeffery variance applications PZ-2019-038, PZ-2019-039, PZ-2019-040 for, Monday, October 19, 2020 at 7:00 p.m. Seconded by Grace Perry. Motion carried.

Adjournment:

Grace Perry moved to adjourn, seconded and carried. Meeting adjourned at 7:50 p.m.

Submitted by Shawn L Cotter - secretary

Project: Alan Trickey

Area Variance – Tax Map # 58.00-2-52.100 – 3672 State Route 488 – Clifton Springs - 14432

Application #PZ 2020-010 – Area variances Accessory Uses

APPLICANT/OWNER NAME (S) Alan Trickey

SUBJECT PROPERTY ADDRESS: 3672 State Route 488 – Clifton Springs – NY 14432

PROJECT: Subdivision Site Plan Special Use Permit Area Variance ☒

PUBLIC HEARING: Date Opened September 21, 2020 Date Closed September 21, 2020

ZONING BOARD OF APPEALS APPROVAL: ☒ Granted Denied Date September 21, 2020

VOTING: ☒ AYE _____ NAY _____ ABSTAINED

1. 2.8' setback for 193 sq. ft. pre-existing accessory use structure where 15' is required
2. 5.4' setback for 310 sq. ft. pre-existing accessory use structure where 15' is required

CERTIFIED BY: Shawn L Cotter DATE: September 21, 2020

Final approval requires chairperson signature on the plan. All above conditions and/or modifications must be satisfied prior to signature. For a subdivision, a linen or Mylar with four copies must be signed. The town will retain two copies. The Ontario County Clerk requires the original and two copies for filing. For a sign application, a permit must be obtained prior to erection of the sign.