

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
Minutes – February 15, 2021

Present: Chairman Rich Vienna, Grace Perry, Bob Price, Mickie Kelly, Valerie Calkins, CEO Justin Bruen, Shawn Cotter, Bob Johnston, Patrick Maslyn

Absent: Stacey Gray

WORKSHOP 6:30 p.m.

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

General Business: Approval of Minutes

Bob Price moved to accept the January 18, 2021 minutes, seconded and carried.

Public Hearing: Patrick Maslyn – 2088 Shekell Rd – PZ-2020-026 – TM # 60.00-1-18.220 Setback Variances

The secretary read aloud the public hearing notice for Patrick Maslyn. (Attached to final minutes.)

No one from the public was present. **Grace Perry moved to close the public hearing, seconded and carried.**

Board Business: Patrick Maslyn – 2088 Shekell Rd – PZ-2020-026 – TM # 60.00-1-18.220 Setback Variances

Mr. Maslyn stated he is seeking front and side setback variances in order to build a residential garage nearby his home. In order to meet setback requirements, the garage would need to be located more to the north of the property, which would be an inconvenient location. His property is adjacent to farmland. At one time, he tried to purchase additional land for his property from farmland owner Mr. Cunningham. However, the land is vital to Mr. Cunningham's farm and was unwilling to sell any land.

The Board reviewed County Planning Board comments. (Attached to final minutes.)

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

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ZBA Findings: Patrick Maslyn – 2088 Shekell Rd – PZ-2020-026

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: **No, there is farmland on one side and other properties in the area have structures close to property lines.**
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: **Yes, however the driveway to the garage would be much longer, and the garage would be further away from the residence.**
3. Whether the requested variance is substantial: **No, the front setback is minimal and the side setback does not affect any neighbors since the land is currently used for AG.**
4. Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district: **No**
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: **Yes it is self-created, however it is the most feasible and sensible place for the garage structure.**

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
 585-394-0036 ext. 8 – www.townofhopewell.org
 Minutes – February 15, 2021

Agency Use Only [If applicable]

Project:	P2-2020-028
Date:	2/15/2021 - Patrick Maslyn

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Will the proposed action impair the character or quality of the existing community?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. <u>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walk-way?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. <u>Will the proposed action impact existing:</u>		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
Minutes – February 15, 2021

Agency Use Only (if applicable)

Project: PZ-2020-026

Date: 2/15/2021 Maslyn

Short Environmental Assessment Form *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

A determination of non-significance has been determined.

The requests are within the character of the neighborhood and no environmental impacts will be made.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Zoning Board of Appeals

February 15, 2021

Name of Lead Agency

Date

Richard Vienna

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Richard Vienna

Shawn L. Cotter - ZBA Clerk

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

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Minutes – February 15, 2021

TOWN OF HOPEWELL ZONING BOARD OF APPEALS

PATRICK MASLYN

2088 SHEKELL RD – TAX MAP 73.18-1-11.000

PZ 2020-026 – AG DISTRICT

SEQR TYPE II ACTION

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering an Area Variance for a front set back of 71.8' where 75' is required and a side setback of 6.0' where 15' is required for construction of an 18'x24' garage;

NOW, THEREFORE, BE IT RESOLVED THAT, the ZBA does hereby classify 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, the ZBA has on Monday, February 15, 2021 declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the ZBA in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Mickie Kelly and seconded Grace Perry by at the meeting of the ZBA held on Monday, February 15, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Grace Perry - aye

Rich Vienna - aye

Stacey Gray – Absent

Bob Price – aye

Valerie Calkins - aye

Mickie Kelly - aye

I, *Shawn L. Cotter*, ZBA Board Secretary, 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 February 15, 2021 meeting. *Shawn L. Cotter* Shawn L. Cotter, L.S.

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
Minutes – February 15, 2021

TOWN OF HOPEWELL ZONING BOARD OF APPEALS

PATRICK MASLYN

2088 SHEKELL RD – TAX MAP 73.18-1-11.000
PZ 2020-026 – AG DISTRICT

RESOLUTION AREA VARIANCES – FRONT & SIDE SETBACKS

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering an Area Variance for a front setback of 71.8’ where 75’ is required, and a side setback of 6.0’ where 15.0’ is required in order to construct a 18’ x 24’ garage; and

WHEREAS, the ZBA has completed Part II – SEAF and has made a determination of non-significance and has listed the application as a Type II Action, no further action is required; 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, February 15, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Valerie Calkins - aye Bob Price - aye Grace Perry - aye Mickie Kelly – aye
Stacey Gray – absent 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 February 15, 2021 meeting.

Shawn L. Cotter
Clerk – February 15, 2021

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424

585-394-0036 ext. 8 – www.townofhopewell.org

Minutes – February 15, 2021

**Public Hearing: Robert Johnston/Little Country Store – 3421 County Rd 4
PZ-2020-026 – TM # 73.18-1-11.000 & 73.18-1-9.000
Signage Variances**

The Clerk read aloud the public hearing notice for the Little Country Store. No one from the public was present. (Attached to final minutes.)

Grace Perry moved to close the public hearing, seconded and carried.

**Board Business: Robert Johnston/Little Country Store – 3421 County Rd 4
PZ-2020-026 – TM # 73.18-1-11.000 & 73.18-1-9.000
Signage Variances**

Mr. Johnston stated he is seeking to replace current signage at his business on County Rd. 4. The sign pole in the front of the Little Country Store was damaged by a Town of Seneca truck. The current sign and pole are to be removed and new signage will be re-located.

CEO Bruen stated Hopewell zoning for signage has changed since the original sign was placed at the Little Country Store. Mr. Johnston is seeking an additional few inches in height for his sign on County Road 4, an additional menu sign to be located on the east side of the building, near the walk-up window, and signage replacement located at the County Rd. 47 driveway entrance.

Mr. Johnston stated the County Rd. 47 entrance was added several years ago for safety reasons. The entrance location allows the flow of large trucks from Towns, County, delivery vehicles and customers to enter and leave the store's property more safely. He added, the owner of the residential home on County Rd. 4 adjacent to his parcel, place a 6ft. fence on his property to prevent people from trespassing through his property to the store. The new signage located at the Co. Rd. 47 entrance will be more visible to customers.

Mr. Johnston further added, the menu signage on the east side of the building will look similar to the one in Cheshire at A's diner. The approximate size will be 3' x 8'.



Menu Signage Example

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
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Proposed Signage for County Roads 4 and 47

Chairman Vienna asked if the sign on County Rd. 47 could be moved to the south of the driveway in order for traffic to see the signage more easily, since it is somewhat blocked from the neighboring fence.

Mr. Johnston stated the signage will be back-lighted and the electricity for the signage is located to the north of the driveway, and he does not want to dig under the driveway to add electricity to the south, it is not cost effective.

The Board reviewed the comments by Ontario County Planning Board, which recommended denial for the variance requests, stating the signage requests are excessive and are within a 500' travel corridor for Ontario County tourists. (OCPB comments attached to final minutes.)

Valerie Calkins stated the signage is not excessive. The store has two entrances off from two main highways, and tourists coming through the area should be able to see signage for the store in order to encourage travelers to stop at the store as a patron. She added the proposed signage is eye-appealing, not excessive in size and the store is zoned H-MU (Hamlet-Mixed Use). The Board concurred.

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
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ZBA Findings: Robert Johnston/Little Country Store – 3421 County Rd 4 - PZ-2020-026

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: **No, the business is zoned H-MU and has operated as a country store for decades.**
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: **No, the replacement for the signage pole on Co. Rd. 4 would be thousands of dollars. The new signage will allow removal of the damaged pole and the signage will be close to Town Code in height. Signage on Co. Rd. 47 will be the same design as Co. Rd 4 signage. Menu sign will benefit customers on knowing what the store provides for dining foods.**
3. Whether the requested variance is substantial: **No, the signage is necessary due to the two Co. Rd. entrances to the store. Co. Rd. 4 and Co. Rd. 47 are in place for public safety entering and leaving the premises.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **No**
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: **No, zoning has changed since the original sign was placed on the property and the current signage pole was damaged by an outside source.**

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
 585-394-0036 ext. 8 – www.townofhopewell.org
 Minutes – February 15, 2021

Project:	PZ-2021-003
Date:	2/15/2021 - Little Country Store

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Will the proposed action impair the character or quality of the existing community?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. <u>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. <u>Will the proposed action impact existing:</u> a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
Minutes – February 15, 2021

Project: PZ-2021-003

Date: 2/15/2021

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Signage area variances will not have a negative impact on the neighborhood. The neighborhood is zoned H-MU. Although it is located, according to the County Planning Board, in a tourist travel corridor, the Hopewell Zoning Board of Appeals is in agreement that the traveling public should be encouraged to visit places of business.

The proposed signage is within the character of the neighborhood since the business has been in operation for decades. The signage proposed is not excessive since there are two entrances from County Roads to the business.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Zoning Board of Appeals

February 15, 2021

Name of Lead Agency

Date

Richard Vienna

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Richard Vienna

Shawn L Cotter - ZBA Clerk

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
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TOWN OF HOPEWELL ZONING BOARD OF APPEALS

ROBERT JOHNSTON – LITTLE COUNTRY STORE

3421 COUNTY RD 4 - TM# 73.18-1-11.000

COUNTY RD 47 – TM# 73.18-1-9.000

PZ-2021-003 - H-MU DISTRICT

SEQR TYPE II ACTION

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering an Area Variance to approve a signage variance HTO Article XII, Section 1205 A-1 a.b., the applicant is seeking road side non-building mounted signage changes on County Rd. 4 - 60"x78" (65 sq. ft.), non-building signage on County Rd. 47 48" x 62" (41.3 sq. ft.), and 24 sq. ft. building-mounted menu signage east side of building; and

NOW, THEREFORE, BE IT RESOLVED THAT, the ZBA does hereby classify 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, the ZBA has on Monday, February 15, 2021 declared its intent to be designated the Lead Agency for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the ZBA in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Valerie Calkins and seconded by Grace Perry at a meeting of the ZBA held on Monday, February 15, 2021. Following discussion thereon, the following roll call vote was taken and recorded: Grace Perry – aye Valerie Calkins – aye Rich Vienna – aye Bob Price - aye
Mickie Kelly – aye Stacey Gray - absent

I, *Shawn Cotter*, ZBA Board Secretary, 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 February 15, 2021 meeting. *Shawn L Cotter* Shawn L. Cotter, L.S.

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

2716 County Rd 47 – Canandaigua – NY 14424
585-394-0036 ext. 8 – www.townofhopewell.org
Minutes – February 15, 2021

TOWN OF HOPEWELL ZONING BOARD OF APPEALS

ROBERT JOHNSTON – LITTLE COUNTRY STORE
3421 COUNTY RD 4 - TM# 73.18-1-11.000
COUNTY RD 47 – TM# 73.18-1-9.000
PZ-2021-003 - H-MU DISTRICT

RESOLUTION AREA VARIANCES - SIGNAGE

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering an Area Variance to approve a signage variance HTO Article XII, Section 1205 A-1 a.b., the applicant is seeking road side non-building mounted signage changes on County Rd. 4 - 60"x78" (65 sq. ft.), non-building signage on County Rd. 47 48" x 62" (41.3 sq. ft.), and 24 sq. ft. building-mounted menu signage east side of building; and the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the ZBA has completed Part II – SEAF and has made a determination of non-significance; 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:

1. Total signage of County Rd. 4 - 60"x78" (65 sq. ft.)
2. Total County Rd. 47 entrance - 48" x 62" (41.3 sq. ft.),
3. Total 24 sq. ft. building-mounted menu signage east side of building
4. Removal of current signage pole on County Rd. 4

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, February 15, 2021 Following discussion thereon, the following roll call vote was taken and recorded:

Valerie Calkins - aye Bob Price - aye Grace Perry - aye Mickie Kelly – aye
Stacey Gray – absent Rich Vienna - aye

- *OCPB denial, requires majority plus one vote from Hopewell Zoning Board of Appeals. ZBA voted and met that requirement.*

I, Shawn Cotter, ZBA Board Secretary, 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 February 15, 2021 meeting.

Shawn L Cotter

ZONING BOARD OF APPEALS

TOWN OF HOPEWELL

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Shawn L. Cotter L.S.

Block Motion: Jake Woodworth – 3493 St Rt 247 – Use Variance application

Grace Perry moved to authorize staff to send the Use Variance application for Jake Woodworth of 3493 St. Rt. 247 to the County Planning Board for review and comments, and set a public hearing for the next ZBA meeting on March 15, 2020, seconded and carried.

Adjournment:

Grace Perry moved to adjourn, seconded and carried.

**Zoning and Building Department
TOWN OF HOPEWELL
2716 County Road #47
Canandaigua, New York 14424
(585) 394-3850**

TDD: 1-800-662-1220

FAX: 585-394-8714

NOTICE OF PUBLIC HEARING

Pursuant to Article III, Section 306 of the Town of Hopewell Zoning Ordinance, a Public Hearing will take place before the Zoning Board of Appeals of the Town of Hopewell, and will be held on Monday, February 15, 2021 at 7:00 p.m.

Said Hearings will be held in the Town Hall at Hopewell Center, Ontario County, New York.

1. The Public Hearing is to consider application PZ-2020-026 of Patrick Maslyn, 2088 Shekell Rd, Clifton Springs, NY 14432. TM # 60.00-1-18.220 HTZO Appendix §1901, Section 600 for a front setback of 71.8' where 75' is required and a side setback 6' where 15' is required. The applicant seeks approval for garage structure. The property is located in AG district.
2. The Public Hearing is to consider application PZ-2021-003, of Robert Johnston/Little Country Store, 3421 Co. Rd. 4, Canandaigua, NY 14424. TM# 73.18-1-11.000. HTZO Article XII, Section 1205. The applicant is seeking an additional non-road side building mounted sign (menu), signage changes to be, Co. Rd 4 signage 60"x78" and Co. Rd 47 48" x 62" signage.

Pursuant to Article III, Section 306 of the Town of Hopewell Zoning Ordinance, a Public Hearing before the Zoning Board of Appeals of the Town of Hopewell will be held on February 15, 2021 at 7:00 P.M.

All persons wishing to appear at such Hearings may do so in person or by attorney or other representative.

Shawn L. Cotter

Secretary, Planning Board/ZBA
February 1, 2021

PART I P2 - 2020-0210

TOWN OF HOPEWELL

2716 COUNTY RD #47 - CANANDAIGUA, NY 14424

(APPLICATION TO BOARD OF APPEALS)

APPEALS NO. # _____

DATE: 11/9/20

TO THE ZONING BOARD OF APPEALS, TOWN OF HOPEWELL, NEW YORK

I (we) PATRICK MASLYN of 2088 SHEKEL RD
(Name of Applicant) (Street Number)

HOPEWELL NY HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM
(Municipality) (State)

DECISION OF THE BUILDING INSPECTOR ON APPLICATION FOR BUILDER'S PERMIT NO. _____ DATE _____

WHEREBY THE BUILDING INSPECTOR DID: GRANT () DENY () VIOLATION NOTICE ()

TO: PATRICK MASLYN
(Name of Applicant for Permit)

OF: 2088 SHEKEL RD HOPEWELL NY
(Street Number) (Municipality) (State)

PHONE NUMBER 585-967-8860 E-MAIL ADDRESS patrick.maslyn@oldcastle.com
() a permit for use () a permit for occupancy () a building permit

1. Location of Property 2088 SHEKEL RD AG
(Street and Number) Use District on Zoning Map

2. Provisions of the Zoning Ordinance Appealed, (Indicate the article, section, subsection, and paragraph of the Zoning Ordinance being appealed by number. Do not quote Ordinance.) ARTICLE VI SECTION 600 - SETBACKS

3. Type of appeal. Appeal is made herewith for:
() An Interpretation of the Zoning Ordinance or Zoning Map
() A Special Use Permit under Zoning Ordinance **ATTACH PART 3 - SPECIAL USE APPLICATION**
() A Variance to the Zoning Ordinance
() Use Variance **ATTACH PART 2 - USE VARIANCE APPEAL**
(X) Area Variance **ATTACH PART 2 - AREA VARIANCE APPEAL**

4. Previous Appeal. A previous appeal () has (X) has not been made with respect to this decision of the Building Inspector or with respect to this property. Such appeal(s) was (were) in the form of:
() a requested interpretation () a request for a variance
() a request for a special permit () a temporary permit
And was (were) made in Appeal No. _____ Dated _____

5. Reason for Appeal. (Complete relevant blank and provide all other written relevant information as possible.)
A. An interpretation of the Zoning Ordinance is requested because: _____

B. A Special Permit under the Zoning Ordinance is requested pursuant to Article _____ Section _____ Subsection _____ Paragraph _____ of the Zoning Ordinance because: _____

C. Provide brief description of Variance: FRONT SETBACK OF 71.8' WHERE 75.0' IS REQUIRED 3.20' VARIANCE
SIDE SETBACK OF 6.0' WHERE 15.0' IS REQUIRED 9' VARIANCE

Patrick J. Maslyn
(applicant's name - PLEASE PRINT CLEARLY)

[Signature]
(applicant's name - signature)

Applications will NOT BE ACCEPTED or SENT to the Ontario County Planning Board for review or placed on agendas for Town of Hopewell Planning Board and Zoning Board of Appeals unless the application has been COMPLETED IN FULL. NO EXCEPTIONS.

73.18-1-11.000

TOWN OF HOPEWELL

2716 COUNTY RD #47 - CANANDAIGUA, NY 14424

PART 2 - AREA VARIANCE APPEAL

APPEALS NO.: _____

DATE: _____

AREA VARIANCE:

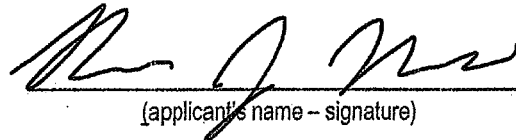
- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined by part 267-b of N.Y.S. Town Law.
- b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider the following as addressed by the Applicant.

- 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: NO, OTHER PROPERTIES NEARBY HAVE STRUCTURES CLOSE TO PROPERTY LINES
- 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: YES, BUT NOT WITHOUT A MUCH LONGER DRIVEWAY AND TREE REMOVAL
- 3. Whether the requested area variance is substantial: NO, THE REQUEST FOR FRONT SETBACK VARIANCE IS SMALL, AND THE SIDE VARIANCE HAS NO NEIGHBORS NEARBY
- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: NO, NO ADVERSE IMPACTS
- 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. YES, BUT THIS IS THE BEST LOCATION FOR THE GARAGE

- c. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- d. Imposition of conditions: The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance of local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Patrick J. Maslyn

(applicant's name - PLEASE PRINT CLEARLY)



(applicant's name - signature)

APPLICANT SHALL ATTACH ADDITIONAL DOCUMENTATIONS, MAPS, OR OTHER INFORMATION RELEVANT TO THE APPLICATION.

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Maslyn Garage			
Project Location (describe, and attach a location map): 2088 Shekell Road			
Brief Description of Proposed Action: Construction of a new 18' x 24' garage			
Name of Applicant or Sponsor: William Grove, PE		Telephone: 585-797-3989	
		E-Mail: grove.engineering@yahoo.com	
Address: 8677 State Route 53			
City/PO: Naples14512		State: NY	Zip Code: 14512
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.29 acres	
b. Total acreage to be physically disturbed?		0.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.29 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Will meet energy code _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

TOWN OF HOPEWELL

2716 COUNTY RD #47 - CANANDAIGUA, NY 14424

(APPLICATION TO BOARD OF APPEALS)

APPEALS NO. # P2-2021-003

DATE: 1/14/21

TO THE ZONING BOARD OF APPEALS, TOWN OF HOPEWELL, NEW YORK

I (we) Robert Johnston (Little Country Store) of 3421 County Road 4 ^(JOB)

(Name of Applicant)

(Street Number)

Hopewell

NY

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM

(Municipality)

(State)

DECISION OF THE BUILDING INSPECTOR ON APPLICATION FOR BUILDER'S PERMIT NO. _____ DATE _____

WHEREBY THE BUILDING INSPECTOR DID: GRANT () DENY () VIOLATION NOTICE ()

TO: LITTLE COUNTRY STORE ^(JOB)

(Name of Applicant for Permit)

OF: 3421 County Road 4 Hopewell NY

(Street Number)

(Municipality)

(State)

PHONE NUMBER 585-261-2211 E-MAIL ADDRESS LITTLE COUNTRY STORE 3421 @GMAIL.COM

() a permit for use

() a permit for occupancy

() a building permit

1. Location of Property 3421 County Road 4 ^(JOB) H-MU
(Street and Number) Use District on Zoning Map

2. Provisions of the Zoning Ordinance Appealed, (Indicate the article, section, subsection, and paragraph of the Zoning Ordinance being appealed by number. Do not quote Ordinance.) ARTICLE XII SECTION 1205
(1) more than 1 sign on building - (2) Front sign Height - (3) 2nd sign on property

3. Type of appeal. Appeal is made herewith for:
() An Interpretation of the Zoning Ordinance or Zoning Map
() A Special Use Permit under Zoning Ordinance **ATTACH PART 3 - SPECIAL USE APPLICATION**
() A Variance to the Zoning Ordinance
() Use Variance **ATTACH PART 2 - USE VARIANCE APPEAL**
() Area Variance **ATTACH PART 2 - AREA VARIANCE APPEAL**

4. Previous Appeal. A previous appeal () has () has not been made with respect to this decision of the Building Inspector or with respect to this property. Such appeal(s) was (were) in the form of:
() a requested interpretation () a request for a variance
() a request for a special permit () a temporary permit
And was (were) made in Appeal No. _____ Dated _____

5. Reason for Appeal. (Complete relevant blank and provide all other written relevant information as possible.)
A. An interpretation of the Zoning Ordinance is requested because: 2 Entrances from Different Roads, 2 signs on Bldg allowing menu on New Road side under S.F. Allowance
B. A Special Permit under the Zoning Ordinance is requested pursuant to Article X Section _____ Subsection _____ Paragraph _____ of the Zoning Ordinance because: _____
C. Provide brief description of Variance: 2 Entry signs, Front sight height, New Roadside menu sign

Robert Johnston ^(JOB)

(applicant's name - PLEASE PRINT CLEARLY)

(applicant's name - signature)

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TOWN OF HOPEWELL
2716 COUNTY RD #47 – CANANDAIGUA, NY 14424

PART 2 – USE VARIANCE APPEAL

APPEALS NO.: _____ DATE: 1/14/21

USE VARIANCE:

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined by part 267-b of N.Y.S. Town Law.
- b. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, the applicant is able to demonstrate the following:

- 1. That the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence: _____

- 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood: Previously existing, currently no issues

- 3. That the requested use variance, if granted, will not alter the essential character of the neighborhood Existing
signs are there Co Rd 4 & 47, almost no change
to existing sf.

- 4. That the alleged hardship has not been self-created: _____

- c. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Robert Johnston
(applicant's name – PLEASE PRINT CLEARLY)

Robert Johnston
(applicant's name – signature)

APPLICANT SHALL ATTACH ADDITIONAL DOCUMENTATIONS, MAPS, OR OTHER INFORMATION RELEVANT TO THE APPLICATION.
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ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**
County Planning Board Meeting –January 13, 2020 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below
 Telephone: 585-396-4455

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
12 - 2021	Town of Canandaigua	Planning Board	S&J Morrell	Technical Review	n/a	1
13 - 2021	Town of Canandaigua	Planning Board	Casey, John	Site Plan	Exempt	2
13.1 - 2021	Town of Canandaigua	Zoning Board of Appeals	Casey, John	Area Variance	AR 2	
14 - 2021	Town of Canandaigua	Planning Board	Mark Engineering	Minor Subdivision	1	4
15 - 2021	Town of Victor	Planning Board	Richards, Michele	Special Use Permit	1	
16 - 2021	Town of Victor	Planning Board	Engebrecht, Jeff	Subdivision	Exempt	
17 - 2021	Town of Gorham	Zoning Board of Appeals	McConnell, Brent	Area Variance	AR 1	5
18 - 2021	Town of Farmington	Planning Board	Chierichella, Cynthia	Site Plan	Exempt	6
19 - 2021	Town of Farmington	Planning Board	Mandrino, Suzanne	Subdivision	1	6
20 - 2021	Town of Victor	Zoning Board of Appeals	Laci Paluck, Brett Jones	Area Variance	1	
21 - 2021	Town of Naples	Town Board	Town of Naples	Map Amendment	2	7
22 - 2021	Town of Bristol	Planning Board	Town of Bristol	Technical Review	n/a	
23 - 2021	City of Canandaigua	City Council	City of Canandaigua	Map Amendment	2	
24 - 2021	City of Geneva	Planning Board	City of Geneva	Subdivision	1	9
25 - 2021	Town of Manchester	Planning Board	Cole, Arthur J.	Site Plan	1	
26 - 2021	Town of Gorham	Zoning Board of Appeals	Kern, Gregory & Delia	Area Variance	AR 2	
27 - 2021	Town of Gorham	Zoning Board of Appeals	Ketchum, Doug 7 Robin	Area Variance	AR 2	10
28 - 2021	Town of Gorham	Zoning Board of Appeals	Venezia & Associates	Area Variance	AR 2	11
29 - 2021	Town of Hopewell	Planning Board	Little Country Store	Area Variance	AR 2	12
30 - 2021	Town of Hopewell	Planning Board	Congilaro, Angelo	Special Use Permit	1	13
31 - 2021	Town of Hopewell	Planning Board	Venezia & Associates	Subdivision	Exempt	
32 - 2021	Town of Hopewell	Planning Board	Patrick Maslyn	Site Plan	Exempt	
32.1 - 2021	Town of Hopewell	Zoning Board of Appeals	Patrick Maslyn	Area Variance	1	14
33 - 2021	Town of Hopewell	Planning Board	Venezia & Associates	Subdivision	AR 1	15

Linda Phillips is inviting you to a scheduled Webex meeting.

Wednesday, February 10, 2021

7:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 2 hrs 20 mins

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://ontariocountyny.webex.com/ontariocountyny/j.php?MTID=mc58294e1c04aaf2fccadfc2bf7065b30>

7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve OCDPW as early in the review process as possible to ensure understanding of renovation permit requirements and proper design of connection to Canandaigua Lake County Sewer District.
3. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

29 - 2021	Town of Hopewell Planning Board	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Little Country Store	
Property Owner:	Johnston, Robert	
Tax Map No(s):	73.18-1-11.000	
Brief Description:	Three signage area variances to allow replacement signage exceeding the number of building and ground signs (though not the allow SF of signage) and for a ground sign higher than 6' at Little Country Store, 3421 CR 4 in the Town of Hopewell.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land within 500' of a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.

30 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Congilaro, Angelo	
Tax Map No(s):	100.00-1-31.211	
Brief Description:	Special use permit for family caregiver apartment at 3257 SR 5/US 20 in the Town of Hopewell.	

The existing site has a home and two barns. The special use permit appear to involve no site modifications.

Comment

1. What square footage of the home will be devoted to the apartment?

31 - 2021	Town of Hopewell Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Venezia & Associates	
Property Owner:	Ruth Van Epps Estate	
Representative:	Muehe, Martin	
Tax Map No(s):	85.00-1-7.000	
Brief Description:	Subdivision of 54 acre lot at 2909 Smith Road in the Town of Hopewell into two nearly equal size lots.	

32 - 2021	Town of Hopewell Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Patrick Maslyn	
Representative:	Grove Engineering	
Tax Map No(s):	60.00-1-18.220	
Brief Description:	Site plan and area variance for construction of a 18'x24' garage on 1.3 acre lot at 2088 Shekell Road in the Town of Hopewell. Proposed garage has 6' south side setback when 15' is required and 72' f ront setback when 75' is required.	

See information at 32.1-2021.

32.1 - 2021	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Patrick Maslyn	
Representative:	Grove Engineering	
Tax Map No(s):	60.00-1-18.220	
Brief Description:	Site plan and area variance for construction of a 18'x24' garage on 1.3 acre lot at 2088 Shekell Road in the Town of Hopewell. Proposed garage has 6' south side setback when 15' is required and 72' f ront setback when 75' is required. https://www.co.ontario.ny.us/DocumentCenter/View/27524/32-2021	

According to OnCor the property is in the agricultural district and the Rocky Run watershed and not constrained by wetlands, floodplains, or steep slopes.

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.

4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

Final Recommendation – With the exception of applications involving lakefront properties or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

33-2021	Town of Hopewell	Class AR 1
Referral Type:	Subdivision	
Applicant:	Venezia & Associates	
Property Owner:	Screams and Dreams Entertainment LLC	
Tax Map No(s):	73.00-1-24.13	
Brief Description:	Subdivision of 26 acre parcel at 3188 CR 4 at the corner of Malone Road in the Town of Hopewell into four residential building lots. https://www.co.ontario.ny.us/DocumentCenter/View/27525/33-2021-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/27530/14-2020-Bristol-Road-subdivision-plan-5100-2021-01-06	

Proposed lots range in size from 2.7 to 8.7 acres and have 150’ to 500’ of frontage on CR 4.

According to OnCor, this property and all adjacent properties are in the agricultural district. There is a stream corridor, floodplain, areas of 16 to 30 and 31 to 60 percent slope, and NYS regulated wetlands along the northern property boundary. Primary site soil is prime farmland in the Lima loam series with 3 to 8 percent slope. The site is in the Rocky Run watershed.

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

Final Classification: Class 1

Findings

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances and spacing for the future driveways can comply with local standards and standards established by the American Association of State Highway and Transportation Officials (AASHTO). A highway work permit is required for any driveway or other disturbance of the ROW.
3. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
5. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.