ZONING BOARD of APPEALS

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
585-394-0036 ext. 8 – www.townofhopewellny.gov
Minutes – February 16, 2026

Present: Richard Vienna, Bob Price, Mickie Kelly, Candace Bruzda, Grace Perry, Shawn Cotter, Robert Cobos

Chairman Vienna opened the meeting at 6:33 p.m.

Approval of Minutes:

Mickie Kelly moved to approve January 19, 2026 minutes as presented. Motion seconded and carried.

Block Motion OCPB Referral & Public Hearing Notice : N/A

Public Hearing: Robert Cobos – 1875 County Road 19 – TM 58.00-1-13.121
Application 284 – Area Variance (lot size)

The Public Hearing is to consider application #284 Robert Cobos, for property located at 1875 County Road 19, in the Town of Hopewell, Tax Map 58.00-1-13.121 for Area Variances approval under TOH Zoning Ordinance (Minimum Lot Area & Set Back Table). The applicant is seeking approval for 12,588 sq. ft., from the required 30,000 sq. ft. lot size (HDR District). Applicant is seeking to subdivide parcel into 3-lots.

Mr. Cobos stated his intention is to subdivide the present lot into 3 parcels. He currently has someone interested in the proposed 6-acre parcel. The remain two parcels have a pre-existing mobile home and vacant house. The mobile home parcel is in the works of being sold to the current tenant. The existing house to remain on a non-conforming lot, which is why he is seeking an area variance.

Grace Perry moved to close the Public Hearing for application 284 – Robert Cobos – 1875 County Road 19. Motion seconded and carried.

New Business: Robert Cobos – 1875 County Road 19 – TM 58.00-1-13.121
Application 284 – Area Variance (lot size)

The Board briefly discussed Mr. Cobos' application. Due to factors of the railroad, wetlands and other boundary lines, there does not appear to be another feasible way to divide proposed lot-3 parcel to meet TOH Minimum Lot Area table.

Agency Use Only [If applicable]

Project	#284 - COBOS
Date:	2/16/2026

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. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. 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?	☑	☐
6. 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?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

Project:	#284 - Cobos
Date:	2/16/2026

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.

☐ 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.

Town of Hopewell ZBA	**2/16/2026**
Name of Lead Agency	*Date*
Rich Vienna	**Chairman**
Print or Type Name of Responsible Officer in Lead Agency	*Title of Responsible Offer*
Rich Vienna	
Signature of Responsible Officer in Lead Agency	*Signature of Preparer (If different from Responsible Officer*

ZONING BOARD of APPEALS

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Minutes – February 16, 2026

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: **Robert Cobos**

Appeal Concerns Property at the following address:
1875 County Road 19 – Shortsville – NY 14548
County Tax Map Section **58.00-1-13.121**
Zoning Classification: **HDR –** Application**: #284**

OFFICE USE ONLY
Application Permit #284
Date of Public Hearing: 2/16/2026
Date Noticed Published: 2/4/2026
Date of County Referral: n/a
Date of Final Action: 2/16/2026
Date of Filing Decision with the Municipal Clerk: 3/17/2026

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 Zoning Board of Appeals (ZBA):

Requirement for Which Variance is Requested:
1. **Area Variance – 12,588 sq. ft. where 30,000 sq. ft. is required for Lot Size HDR**

Applicable Section (s) of Zoning Code: TOHZO Section 600 (Minimum Lot Area & Setback Table)

TEST: No area variance will be granted without a consideration by the Board of the following factors:

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, homes on the current parcel are pre-existing.**
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than area variances**: No, due to railroad, wetland and existing boundary lines.**
3. Whether the requested area variances are substantial: **Yes, but there is no feasible alternative.**
4. Whether the proposed variances 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, due to railroad, wetland and existing boundary lines.**

DETERMINATION OF ZBA BASED OF THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☐ The Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☒ The Benefit to the Applicant DOES Outweigh the Detriment to the Neighborhood or Community. Reasons:
There are no other feasible means for the applicant to sub-divide the parcel into 3-lots.

TOWN OF HOPEWELL ZONING BOARD OF APPEALS
ROBERT COBOS – APPLICATION 284
1875 COUNTY ROAD 19 – TAX MAP 58.00-1-13.121
ZONED - HDR
AREA VARIANCE – LOT SIZE

RESOLUTION AREA VARIANCE

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering a 12,588 sq. ft. variance from the required 30,000 sq. ft. lot size (HDR District – TOHZO Section 600 Minimum Lot Area & Setback Table), located at 1875 County Road 19. Applicant intends to subdivide parcel into 3-lots, as shown on sketch plan, and all other relevant information submitted as of February 16, 2026 (the current application); and

WHEREAS, in compliance with NYS Town Law, the ZBA held a public hearing on the application at its meeting date of February 16, 2026; and

NOW, THEREFORE, BE IT RESOLVED THAT, the ZBA does hereby classify the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, and is not subject to further review; and

NOW, THEREFORE, BE IT RESOLVED THAT, the ZBA did determine after completing SEAF Part II & III that the proposed action will not result in any significant adverse environmental impacts; and

NOW, THEREFORE, BE IT RESOLVED, the ZBA hereby [X] **Approves without Conditions**; ❒ **Approves with the following Conditions**; or ❒ **Denies the application for the following reasons:**

The above resolution was offered by **Grace Perry** and seconded by **Bob Price** at a meeting of the Zoning Board of Appeals held on Monday, February 16, 2026 following discussion thereon, the following roll call vote was taken and recorded:

Rich Vienne – aye Bob Price - aye Grace Perry - aye Mickie Kelly – aye Candace Bruzda - 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 16, 2026 meeting.

Shawn L Cotter L. S.

Shawn L. Cotter, Board of Appeals Secretary

Adjournment: Grace Perry moved to adjourn, seconded. – Submitted by: Shawn L Cotter March 30, 2026