ZONING BOARD of APPEALS

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
585-394-0036 ext. 8 – www.townofhopewellny.gov
Minutes – June 15, 2026

Present: Richard Vienna, Bob Price, Candace Bruzda, Grace Perry, Shawn Cotter, CEO Justin Bruen, Steve Fuhrman

Absent: Mickie Kelly

Chairman Vienna opened the meeting at 6:30 p.m.

Approval of Minutes:

Grace Perry moved to approve May 18, 2026 minutes as presented. Motion seconded and carried.

Cont. Public Hearing: Jennifer Unger – Permit application 338 – Camper Conversion – 4181 Pine Tree Dr – TM 58.01-1-35.000

There were no comments from the public at this time.

Bob Price moved to close the Public Hearing for application 338, for Jennifer Unger of 4181 Pine Tree Dr. Motion seconded and carried.

Cont. Business: Jennifer Unger – Permit application 338 – Camper Conversion – 4181 Pine Tree Dr – TM 58.01-1-35.000

The Board reviewed Section 708 of TOHZO regarding Recreational Vehicles and explained the Zoning Law to Mr. Fuhrman:

708- Recreational Vehicles

Travel trailers, tent trailers, tents, motor homes or other transient vehicles shall not be occupied overnight upon any street, alley, or other public way or public property within the Town of Hopewell. A transient recreational vehicle may be temporarily occupied by visitors or guests of the occupant of any lot or parcel within any district, upon such lot or parcel, for a period not in excess of 14 (fourteen) consecutive days or 14 (fourteen) total non-consecutive days, except as permitted by §715 of this Ordinance. The temporary parking or occupancy of any transient vehicles in exchange for payment or rent shall be prohibited. The use of any motor home, tent trailer, travel trailer, or any other transient vehicle for living purposes on any developed or undeveloped lot shall be prohibited after 14 (fourteen) days of consecutive or non-consecutive use. Portable generators in, on or connected to recreational vehicles shall be prohibited from operating while temporarily occupied on any lots within the Town of Hopewell.

Steve Fuhrman stated it is necessary to have heat and cooling for his dogs, or he will be reported to the Humane Society, he further stated that there is no NYS Law that says he cannot house dogs in an RV.

CEO Bruen stated that local Town Zoning supersedes some State Regulatory actions and can be enforced.

Mr. Fuhrman explained he has lost his home, half his family and has been unable to find another home within his income range, and will continue to house his dogs in the RV even if the Zoning Board denies his request.

The Board further discussed the application and possible setting a period of time for Temporary Use. After discussion, the Board asked CEO Bruen to seek legal counsel on behalf of Board of Appeals concerning TOH Zoning Law 708 from the Town's attorney.

Candace Bruzda moved to table application 338, Jennifer Unger of 4181 Pine Tree Drive until the July 20, 2026 ZBA meeting in order to seek legal counsel from Town Attorney, motion seconded. Roll Call :

Rich Vienna – aye Candace Bruzda – aye Mickie Kelly – absent
Grace Perry – aye Bob Price – aye

Public Hearing: Permit Application 368 – Floyd Rayburn/Pickle Ball – 3791 Route 5 & 20 – Sign Variances - TM 99.00-2-33.000

The Public Hearing is to consider Permit Application 369 for Floyd Rayburn/Pickle Ball – Commercial Speech Sign at 3791 Route 5 & 20, Canandaigua, NY. Applicant is seeking variance from TOH Zoning Ordinance 1207 I disallowing off premise commercial speech sign and in compliance with HTO §1205 A1(b) – General Requirements for Erecting and Maintaining Commercial Speech Signs A.b. Sign details 4'-9"H x 4'-10"W (9'x9' overall monument size), 61 S.F. variance, where 20 S.F. is allowed.
TM 99.00-2-33.000

There were no comments from the public.

Grace Perry moved to close the Public Hearing for application 368, Floyd Rayburn/Pickle Ball at 3791 Route 5 & 20. Motion seconded and carried.

Business: Permit Application 368 – Rayburn/Pickle Ball – 3791 Route 5 & 20 – Sign Variances - TM 99.00-2-33.000

The Board reviewed Mr. Rayburn's requests for variances for his roadside signage for a Pickle Ball Commercial Speech Sign, which Mr. Rayburn informally went over with the Board at the May 2026 meeting.

The Board reviewed OCPB comments, recommendation:

Findings:

1. The proposed sign is on land along 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

Project	369 - Pickle Ball/Rayburn
Date:	6/15/2026

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:	#369-Pickle Ball
Date:	6/15/2026

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	**6/15/2026**
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

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
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Minutes – June 15, 2026

ZONING BOARD OF APPEALS
FINDINGS STATEMENT – APPLICATION #369
3791 ROUTE 5 & 20 – 99.00-2-33.000 - ZONED – C2

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

OFFICE USE ONLY
Application Permit #369
Date of Public Hearing: 6/15/2026
Date Noticed Published: 6/4/2026
Date of County Referral: 5/28/2026
Date of Final Action: 6/15/2026
Date of Filing Decision with the Municipal Clerk: 7/22/2026

Applicant: **Hanlon Architects/Floyd Rayburn (Pickle Ball)**

Appeal Concerns Property at the following address:
3791 Route 5 & 20 - Canandaigua
County Tax Map Section **99.00-2-33.000**
Zoning Classification: **C2**

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 – Seeking second ground mounted sign 61 SF Variance**
2. **Seeking Variance disallowing off-premise commercial speech sign.**
3. **More than one (1) Sign – TOHZO 1205A 1 b**

Applicable Section (s) of Zoning Code: TOHZO 1205

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, it is within the character of the neighborhood.**

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, Pickle Ball building is set back from Route 5 & 20 corridor.**

3. Whether the requested area variances are substantial: **No**

4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **NO, there will be no adverse effect or 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: **NO**

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.

[X] The Benefit to the Applicant DOES Outweigh the Detriment to the Neighborhood or Community.
Reasons:

TOWN OF HOPEWELL ZONING BOARD OF APPEALS
FLOYD RAYBURN (PICKLE BALL) – APPLICATION #369
3791 ROUTE 5 & 20 – TAX MAP 99.00-2-33.000 - ZONED – C2
GROUND MOUNTED SIGN VARIANCE & DISALLOWING OFF PREMISE COMMERCIAL SPEECH SIGN

SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering Permit Application 369 for Floyd Rayburn/Pickle Ball – Commercial Speech Sign at 3791 Route 5 & 20, Canandaigua, NY. Applicant is seeking variance from TOH Zoning Ordinance 1207 I disallowing off premise commercial speech sign and in compliance with HTO §1205 A1(b) – General Requirements for Erecting and Maintaining Commercial Speech Signs A.b. and, More than one sign on parcel; Ground Mounted Sign details 4'-9"H x 4'-10"W (9'x9' overall monument size), 61 S.F. variance, where 20 S.F. is allowed; and

WHEREAS, the ZBA has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced application (hereinafter referred to as Action); and

WHEREAS, the ZBA determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the ZBA has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the ZBA determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the ZBA has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the SEAF Part 1; and

WHEREAS, the ZBA has completed Part 2 and Part 3 of the Short EAF as this was identified as an Unlisted Action; and

NOW, THEREFORE BE IT RESOLVED that the ZBA does hereby designate itself as lead agency for the proposed development above herein; and

BE IT FURTHER RESOLVED that the ZBA has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

(i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;

(iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

(iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;

(v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;

(vi) there will not be any hazard created to human health;

(vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;

(viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;

(ix) there will not be created a material demand for other Actions that would result in one of the above consequences;

(x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

(xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED, that the ZBA does hereby make a Determination of Non-Significance on the proposed development, and the ZBA Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the ZBA determination.

The above resolution was offered by Grace Perry and seconded by Bob Price at a meeting of the ZBA held on Monday, June 15, 2026 Following discussion thereon, the following roll call vote was taken and recorded:

Rich Vienna - aye Candace Bruzda – aye Grace Perry - aye
Mickie Kelly - absent Bob Price - 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 June 15, 2026 meeting.

Shawn L Cotter L. S.

Shawn L. Cotter, Board of Appeals Secretary

TOWN OF HOPEWELL ZONING BOARD OF APPEALS
FLOYD RAYBURN (PICKLE BALL) – APPLICATION #369
3791 ROUTE 5 & 20 – TAX MAP 99.00-2-33.000 - ZONED – C2
GROUND MOUNTED SIGN VARIANCE & DISALLOWING OFF-PREMISE COMMERCIAL SPEECH SIGN
RESOLUTION GROUND MOUNTED SIGN VARIANCE & DISALLOWING OFF-PREMISE COMMERCIAL SPEECH SIGN

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering Permit Application 369 for Floyd Rayburn/Pickle Ball – Commercial Speech Sign at 3791 Route 5 & 20, Canandaigua, NY. Applicant is seeking variance from TOH Zoning Ordinance 1207 I disallowing off premise commercial speech sign and in compliance with HTO §1205 A1(b) – General Requirements for Erecting and Maintaining Commercial Speech Signs A.b. and, More than one sign on parcel; Ground Mounted Sign details 4'-9"H x 4'-10"W (9'x9' overall monument size), 61 S.F. variance, where 20 S.F. is allowed; and

WHEREAS, in compliance with NYS Town Law, the ZBA held a public hearing on the application at its meeting date of June 15, 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 Candace Bruzda at a meeting of the Zoning Board of Appeals held on Monday, June 15, 2026 following discussion thereon, the following roll call vote was taken and recorded:

Rich Vienna – aye Bob Price - aye Grace Perry - aye

Mickie Kelly – absent 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 June 15, 2026 meeting.

Due to the Ontario County Planning Board's recommendation for denial, the TOH Board of Appeals approved Permit Application 369 with a majority plus one.

Shawn L Cotter L. S.

Shawn L. Cotter, Board of Appeals Secretary

ZONING BOARD of APPEALS

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FLOYD RAYBURN (PICKLE BALL) – APPLICATION #369
3791 ROUTE 5 & 20 – TAX MAP 99.00-2-33.000 - ZONED – C2
GROUND MOUNTED SIGN VARIANCE & DISALLOWING OFF PREMISE COMMERCIAL SPEECH SIGN

APPLICANT/OWNER NAME (S) **Floyd Rayburn – Pickle Ball**

SUBJECT PROPERTY ADDRESS: 3791 Route 5 & 20 - Canandaigua

PROJECT: Subdivision Site Plan Special Use Permit [X] Area Variances (2)

PUBLIC HEARING: Date Opened **June 15, 2026** Date Closed **June 15, 2026**

ZONING BOARD OF APPEALS APPROVAL: [X] Granted Denied Date **June 15, 2026**

VOTING: **4** AYE 0 NAY **1** ABSENT (Majority + One)

APPROVALS:

4. **Area Variance – Seeking second ground mounted sign 61 SF Variance**
5. **Seeking Variance disallowing off-premise commercial speech sign.**
6. **More than one (1) Sign – TOHZO 1205A 1 b**

CERTIFIED BY: *Shawn L Cotter* **DATE:** June 15, 2026

Adjournment: Grace Perry moved to adjourn, seconded.

Submitted by: *Shawn L Cotter* – July 20, 2026