ZONING BOARD of APPEALS

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
585-394-0036 ext. 8 – www.townofhopewellny.gov
Minutes – September 21, 2026

Present: Rich Vienna, Candace Bruzda, Grace Perry, Mickie Kelly, Bob Price, Shawn Cotter, CEO Justin Bruen, Susan & Todd Herendeen, Kerri Kutniewski

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

Block Motion was made by Grace Perry to have Staff to set Public Hearings for October 19, 2026 for the following applications and OCP Referral for application 471:
Application #494 – Matthew Porretta – Area Variance – 3768 Co. Rd. 4 – TM 72.00-2-29.120
Application #471 – Om Lakshmi Ariya LLC – Area Variance – 4212 Route 5 & 20– TM 99.00-1-13.100

Motion seconded and carried.

Approval of Minutes:

Grace Perry moved to approve August 17, 2026 minutes as presented. Motion seconded and carried.

Public Hearing:
Public Hearing is to consider Permit Application #442 for Susan Herendeen – Area Variance at 2331 State Route 21, Canandaigua, NY. Applicant is seeking a 10-foot area variance for the side setback requirement, resulting in a new setback of 5 feet. Zoning SBMU - TOHZO 720 – Accessory Uses (E) .TM 58.17-1-18.110

There were no comments from the Public.

Bob Price moved to close the public hearing for application 442, Susan Herendeen at 2331 State Route 21. Motion seconded and carried.

New Business: Application 442 – Susan Herendeen – 2331 State Route 21 - Area Variance
TM 58.17-1-18.110 – Type II Action (SEQR Not Required)

The Board briefly reviewed the area variance application.

Ms. Herendeen stated that the shed will be placed along the south, along the fence line area and the adjoining business to her property to the south submitted a letter dated September 18, 2026 has no objections to the location of the shed. (Letter attached to minutes.)

ZONING BOARD of APPEALS

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
585-394-0036 ext. 8 – www.townofhopewellny.gov
Minutes – September 21, 2026

ZONING BOARD OF APPEALS
FINDINGS STATEMENT – APPLICATION #442
2331 STATE ROUTE 21 – 58.17-1-18.110 - ZONED – SBMU

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

OFFICE USE ONLY
Application Permit #442
Date of Public Hearing: 9/21/2026
Date Noticed Published: 9/21/2026
Date of County Referral: n/a
Date of Final Action: 9/21/2026
Date of Filing Decision with the Municipal Clerk: 10/22/2026

Applicant: **Susan Herendeen**

Appeal Concerns Property at the following address:
2331 State Route 21
County Tax Map Section **58.17-1-18.110**
Zoning Classification: **SBMU**

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: Seeking 10' area variance for side setback – New Setback of 5'
Applicable Section (s) of Zoning Code: TOH Minimum Lot Size & Set Back 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, A letter from adjoining business property expressing support of granting the area variance request.**

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, not in this particular case.**

3. Whether the requested area variances are substantial: **Yes, but there is fencing to the south of the shed.**

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, there is no other area to place the accessory shed.**

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: **The adjoining property has no issues with the placement of the shed, and is keeping with the character of the neighborhood.**

TOWN OF HOPEWELL ZONING BOARD OF APPEALS
SUSAN HERENDEEN – APPLICATION #442
2331 STATE ROUTE 21 – TAX MAP 58.17-1-18.110 - ZONED – SBMU
AREA VARIANCE

AREA VARIANCE RESOLUTION

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering Permit Application #442 for Susan Herendeen – Area Variance at 2331 State Route 21, Canandaigua, NY. Applicant is seeking a 10-foot area variance for the side setback requirement, resulting in a new setback of 5 feet. Zoning SBMU - TOHZO 720 – Accessory Uses (E) .TM 58.17-1-18.110

WHEREAS, in compliance with NYS Town Law, the ZBA held a public hearing on the application at its meeting date of September 21, 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 application is a Type II action and no further action is required for SEQR; 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 **Mickie Kelly** at a meeting of the Zoning Board of Appeals held on Monday, September 21, 2026 following discussion thereon, the following roll call vote was taken and recorded:

Rich Vienna – 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 September 21, 2026 meeting.

Shawn L Cotter L. S.
Shawn L. Cotter, Board of Appeals Secretary

Public Hearing:

The Public Hearing is to consider Permit Application #445 for Kerri Kutniewski – Area Variance at 3975 County Road 46, Canandaigua, NY. Applicant is requesting an area variance of 4-feet of forgiveness to the TOHZO side yard setback requirement of 15-feet, resulting in a new setback of 11-feet from property line. Zoning AG - TOHZO 720 – Accessory Uses (E)- TM 85.00-1-14.112

There were no comments from the public.

Grace Perry moved to close the public hearing for application 445, Kerri Kutniewski at 3975 County Road 46. Motion seconded and carried.

New Business: Application 445 – Kerri Kutniewski – 3975 County Road 46 – Area Variance
TM 85.00-1-14.112

Ms. Kutniewski stated that she is seeking to place a shed on the property for storage, since her home does not have a basement. She further added, due to where the sump pump discharges and the location of the septic system, she is limited to where the accessory shed can be placed on the property.

The Board briefly discussed the application and moved forward to the Findings Statement.

ZONING BOARD of APPEALS

TOWN OF HOPEWELL
2716 County Road 47 – Canandaigua, NY 14424
585-394-0036 ext. 8 – www.townofhopewellny.gov
Minutes – September 21, 2026

ZONING BOARD OF APPEALS
FINDINGS STATEMENT – APPLICATION #445
3975 COUNTY ROAD 46 – 85.00-1-14.112 - ZONED – AG

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

OFFICE USE ONLY
Application Permit #445
Date of Public Hearing: 9/21/2026
Date Noticed Published: 9/21/2026
Date of County Referral: n/a
Date of Final Action: 9/21/2026
Date of Filing Decision with the Municipal Clerk: 10/22/2026

Applicant: **Kerrie Kutniewski**

Appeal Concerns Property at the following address:
3975 County Road 46
County Tax Map Section **85.00-1-14.112**
Zoning Classification: **AG**

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: Requesting area variance of 4' forgiveness to side yard setback requirement of 15'
Applicable Section (s) of Zoning Code: TOH Minimum Lot Size & Set Back 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, within keeping of 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, the home does not have a basement for storage needs, location of septic and the area where the sump pump discharges limits where a shed can be placed on the property.**

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**

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.

☒ The Benefit to the Applicant DOES Outweigh the Detriment to the Neighborhood or Community.

Reasons: **the home does not have a basement for storage needs, location of septic and the area where the sump pump discharges limits where a shed can be placed on the property.**

TOWN OF HOPEWELL ZONING BOARD OF APPEALS
KERRI KUTNIEWSKI – APPLICATION #445
3975 COUNTY ROAD 46 – TAX MAP 85.00-1-14.112 - ZONED – AG
AREA VARIANCE

AREA VARIANCE RESOLUTION

WHEREAS, the Town of Hopewell Zoning Board of Appeals (hereinafter referred to as ZBA) is considering Permit Application #445 for Kerri Kutniewski – Area Variance at 3975 County Road 46, Canandaigua, NY. Applicant is requesting an area variance of 4-feet of forgiveness to the TOHZO side yard setback requirement of 15-feet, resulting in a new setback of 11-feet from property line. Zoning AG - TOHZO 720 – Accessory Uses (E)- TM 85.00-1-14.112

WHEREAS, in compliance with NYS Town Law, the ZBA held a public hearing on the application at its meeting date of September 21, 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 application is a Type II action and no further action is required for SEQR; 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 **Grace Perry** and seconded by **Candace Bruzda** at a meeting of the Zoning Board of Appeals held on Monday, September 21, 2026 following discussion thereon, the following roll call vote was taken and recorded:

Rich Vienna – 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 September 21, 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* **10/19/2026**