

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

Present: Chairman Jim Bator, Sylvia Moore, Ryan Bruzda, Phil Bassage, Jim Carello, Allan Wesche, CEO Justin Bruen, Shawn Cotter, Lance Brabant (MRB), Jeff Trickey, Kathy & Andrea Baxter, Tim Vaughan, Bob Gusciora, Jon Bagley, Mark Tolbert, Jim Gould, Rocco Sgro, Bob Wistner, Tom Welch, Gene Roberts, Martha Hilton, Mike Roulan, Liza & Reg Barnum, Keith Griffith, Cody Grabhorn, Neil Atkins, Mary Sgro, Sal & Angelo Licciardello, David Sanford, Jackie Ledgerwood, Edward Kinney, John & Elain Frank, Hannah Coney

Absent: Nick Sergeant

The Chairman called the meeting to order at 7:00 p.m.

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

General Business: Approval of June 28, 2021 minutes.

Jim Carello moved to approve the June 28, 2021 minutes. Motion seconded and carried.

Prior to Public Hearings, Chairman Bator explained to the public the protocol and procedures the Planning Board would be following concerning the evening's Hearings.

New Business: Jon Bagley – Smith Rd. & County Rd. 46 – Subdivision/Flag Lots – PZ-2021-015
TM #85.00-1-3.000

Brennan Marks stated Jon Bagley is seeking to subdivide a parent parcel of 91.028 acres in order to create 14 lots. Of the fourteen lots, thirteen will be residential with single-family dwellings and one lot will remain as a conservation lot. The project is within the R-1 and AG Zoning Districts. He added, originally the parcel was looked at to develop 57-58 lots with cul-de-sacs. However, after reviewing the plan it was decided it did not meet with the Town's intent in conserving AG land.

Mr. Marks stated Town Code 504 states up to 30% of the parcel can be developed, with the remaining to be used as farmland. He continued stating the proposed lots on County Road 46 are zoned R-1. No sewer is available for the proposed parcel development, therefore septic systems would be necessary for each lot. NYS DOH regulations do not allow more than 5 lots with less than 5 acres at one time to be developed. The development plans conserve approximately 65-acres of land. A proposed deed restriction/easement is suggested in order for the land to remain as AG conservation.

Jon Bagley stated the proposed plan is in keeping with the Comprehensive Plan and AG land in Hopewell. Prime soil would be conserved and thereby still allowing for development of the remaining portion of the parcel. Shortage of housing with Urban sprawl is occurring in our area and the demand for more homes is on the rise.

Chairman Bator asked for comments or questions from the Planning Board concerning the Bagley Subdivision application.

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

Allan Wesche asked if a tally was done of actual open fields (non-wooded/streams) on the parent parcel, and how the developer plans to maintain and enforce the land in the future as conservation

Mr. Marks stated the wooded area is approximately 1 ½ acres along with a Class 3 stream, and concerning conservation parcels, an easement would/could be placed in the Town of Hopewell's name, which would prevent any buildings on conservation land.

Further discussion ensued with Board members concerning AG buildings on conservation land, AG rights and farming.

Mr. Wesche stated if the land were to be leased and farmed, the individual leasing the land would need eight individual leases from each owner of the parcels surrounding the land deemed for conservation.

Mr. Marks concurred.

**Public Hearing: Jon Bagley – Smith Rd. & County Rd. 46 – Subdivision/Flag Lots – PZ-2021-015
TM #85.00-1-3.000**

Clerk read aloud Public Hearing Notice

The following E-mails concerning the Jon Bagley subdivision application were given to the Planning Board prior to the evening's meeting. (Emails attached to final minutes): Michele and Robert Wistner, Carol A. Houle, Michael J. Roulan (Attorney & Counselor at Law)

Rocco Sgro – 4139 County Road 46: Read aloud a portion of the email from Carol Houle concerning Ruth Vanepps property. (Email attached to final minutes.). Mr. Sgro would like further information as to whether Perc Tests been completed, types of homes which are to be built, and square footage of homes.

Bob Wistner – 4123 County Rd. 46: He and his wife are presently dealing with the Round-about under construction on County Road 46 and Smith Road. They have concerns about an increase in traffic from the Round-about, additional traffic that will occur if the subdivision were to be approved, and if the subdivision will affect Morgan Samuels Inn in a detrimental way.

Tom Welch – 4259 County Rd. 4: Stated he has two issues with the proposed subdivision, urban sprawl and farmland. He added the Town of Farmington has turned into urban sprawl and he is concerned about there being too much development in Hopewell. He further added, a portion of the Bagley development is in AG land and should therefore be preserved that way. Mr. Welch continued stating, there is Native American history in Hopewell. A Marker has been placed in the woods behind his home for four skeletons of Native Americans which were buried there. He believes a very thorough Archaeological Study is in order since there is evidence of Native Americans near the proposed development.

Hopewell Planning Board

**2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021**

Martha Hilton – 2757 Smith Rd: Ms. Hilton submitted a petition from local residents directly impacted by the proposed subdivision who are against the 13-building lot subdivision on County Road 46 and Smith Road. Ms. Hilton stated she and her husband recently purchased Lot 2 of the Vanepps Estate Subdivision this past year and the land is solely being used for farmland and added, the remaining portion of the subdivision should remain as farmland as Ruth Vanepps desired.

Mike Roulan – 407 S. Main Geneva: Mr. Roulan stated he is an attorney representing Martha Hilton and her neighbors who are seeking to preserve the former Vanepps property as AG, which Town of Hopewell's Comprehensive Plan supports. He further added, Hopewell is an Agricultural Community and there is no proof or testimony to support the need of housing in Hopewell due to Urban Sprawl as Mr. Bagley suggests. He added, he believes the Planning Board should deny the request for a subdivision approval. (Letter from Mr. Roulan is attached to final minutes.)

Liza Barnum – 2920 Smith Rd – Morgan Samuels Inn: Stated the land which surrounds her property has been farmed and has been consistently used as AG land up until Ms. Vanepps passed away and the estate went to probate. She added, it is the desire of people that visit Morgan Samuels Inn to see the vista around the property. The Inn holds public and family gatherings, events, weddings and sleep-overs. Ms. Barnum added, the Inn is far enough away from the road side and other properties and there is no need for concern about the noise from their events affecting nearby neighbors. However, it could be an issue in the future with new neighbors of a subdivision, who may not enjoy the noise from the Morgan Samuels property. She further added, 35-acres of their land is presently farmed and wholly supports AG land use.

Reg Barnum – 2920 Smith Rd: Stated his wife, Liza, has been making improvements to the property since purchasing the Inn and is a master landscaper. He added, they purchased the property due to the view of all the farmland, and are personally into AG land preservation. After dealing with COVID-19 shut-downs and regulations withing NYS, they are finally coming to the point to make ends meet with the Inn. He continued stating, their property is becoming a point of destination, and the Planning Board should use a Moral Compass as a variable during the subdivision project discussion.

Keith Griffith – 2798 Smith Rd: Mr. Griffith stated he is already concerned with the constant morning and evening traffic on Smith Road, and by allowing the subdivision, more traffic will be added to the road. He further added, Ms. Vanepps did not want her property developed, and her attorney representing her estate knew her intention was to preserve the land as AG.

Cody Grabhorn – 2450 County Rd. 28: Mr. Grabhorn stated he is not a Hopewell resident; however, he is personally invested in history and believes farming, the creek and land itself is a part of history, and the Planning Board should be encouraged to look into the history of the area and how it will be impacted if the farmland is replaced with subdivision development.

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

The Chairman asked the Board for their concerns – Planning Board Discussion:

1. Archaeological Review (SHPO)
2. Easement does not meet AG preservation
3. Ruth Vanepps “Will” in question and to have Town attorney review the “Will.” If provided by applicant’s/residents’ attorneys directly to Town of Hopewell’s attorney. (Legal matters to be handled by attorneys, not Planning Board)
4. Restrictions of the property – Easements and Farmland

**TOWN OF HOPEWELL PLANNING BOARD RESOLUTION
MARKS ENGINEERING FOR JON BAGLEY
SMITH ROAD (14) LOT SUBDIVISION
SMITH ROAD – R-1 & A-G ZONING DISTRICTS
TM#85-1-003 PZ# 2021-015
FINAL SUBDIVISION & SITE PLAN REVIEW**

CONTINUATION RESOLUTION

WHEREAS, the Town of Hopewell Planning Board (hereinafter referred to as Planning Board) is considering subdivision plan approval creating fourteen (14) lots from an existing vacant parent parcel of 91.028 acres. Of the 14 lots, thirteen (13) lots will be residential lots with the development of single-family dwellings and lot 9 is to remain vacant as a conservation lot. The project is within the R-1 & A-G Zoning Districts and detailed on Subdivision Plan prepared by Marks Engineering dated April 26, 2021 and all other relevant information submitted as of July 26, 2021 (the current application); and

WHEREAS, the Planning Board has requested additional information to be provided including revising plans, elimination of the conservation easement, State Historic Preservation Office (SHPO) responses, and Town Attorney review; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the Public Hearing and application to their **August 23, 2021** Planning Board Meeting.

The above resolution was offered by James Carello and seconded by Allan Wesche at a meeting of the Planning Board held on Monday, July 26, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

James Bator - AYE	James Carello - AYE	Phil Bassage - AYE	Sylvia Moore - AYE
Allan M. Wesche AYE	Ryan Bruzda - AYE	Nick Sergeant - ABSENT	

I, Shawn L. Cotter, Planning 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 Planning Board for the July 26, 2021 meeting.

Shawn L. Cotter L. S.

Shawn L. Cotter, Planning Board Secretary

Hopewell Planning Board

**2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021**

**New Business: Canandaigua Shores – County Rd. 18 – Subdivision – PZ-2021-016
TM #85.00.1-43.120**

Brennan Marks stated Canandaigua Shores Development is seeking to create nine lots from an existing vacant parcel of 11.35 acres and, place 9 residential lots for single-family dwellings along with a new dedicated road in the Town of Hopewell. The project is Zoned R-1. At this time, the developer is working with Ontario County DPW for sewer hook-up to the individual homes. He further added, a hammerhead will be necessary to Canandaigua town-line in order to hook into the County sewer. A traffic study has been done. If the Town of Canandaigua's portion of the Canandaigua Shores project is approved, there is an expected increase of 100 cars per day. An extension from the Hopewell Water District will also be necessary for the 9-lot subdivision.

Lance Brabant stated at this time a coordinated review with the Town of Canandaigua is underway, and the Hopewell Town Board should have received that information by now. He further added, if the Canandaigua project moves forward, an emergency access road or secondary access point will need to be approved by Hopewell in order to meet necessary requirements.

Mr. Brabant stated MRB has prepared SEQR – Declaring Intent to Become Lead Agency for the Canandaigua Shores Hopewell project, a coordinated review will take place in order to solicit comments and feedbacks from other interested agencies, such as the Town of Canandaigua, Town of Gorham and, Ontario County DPW.

**Public Hearing: Canandaigua Shores – County Road 18 – Subdivision
PZ-2021-016 – TM #85.00-1-43.120**

The Clerk read aloud Public Hearing Notice

Kathy Baxter – 3537 & 3541 Lincoln Hill Rd: Stated she understands the property on County Road 18 is zoned R-1, however she does not want to see a new road for 9 lots, nor have Town of Canandaigua's proposed Canandaigua Shore traffic coming into Hopewell on a new road.

Andrea Baxter – 3537 Lincoln Hill Rd: Questioned when the Traffic Study took place. She stated if it was during the time of the COVID-19 pandemic, the traffic study will not show the actual amount of summer traffic which relates to CMAC concerts and summer traffic. She added, there is already a great deal of traffic on County Road 18 and has concerns of the potentially significant increase of traffic.

Tim Vaughan – 3464 Lincoln Hill Rd: Stated even if the Hopewell portion of Canandaigua Shores is a stand-alone project, there is still concern about where storm water run-off will go, who will be in charge of checking ditch dams regularly, and which Town will be responsible for snow plowing if the Canandaigua portion of the project moves forward, and the access road is used by Hopewell and Canandaigua Townships.

Bob Gusciora – 3728 Thorndale Beach Rd: Stated woodland is as valuable as farmland and should stay in place on the property where the subdivision is to take place, since it is ecologically necessary. He further added, the proposed Canandaigua Shores Subdivision is not suitable for the lake or the Town's comprehensive plan.

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

Mark Tolbert – 3596 Otetiana Point: Stated he has a petition of 1,000 signatures against the proposed Canandaigua Shores Gateway Project. (The Clerk asked Mr. Tolbert to send the petition electronically.) Mr. Tolbert stated a new dedicated road is a concern for Hopewell and a massive safety hazard to the community. He further added, 5-9 acres of the proposed subdivision of land is tillable according to the ONCOR website. He stated there is concern for water run-off and lake contamination, potential archaeological importance, and the subdivision should not be approved because of the traffic hazard of a new dedicated road.

James Gould – 4285 County Rd 18: Stated he is hard pressed to understand the gains of a through road from State Route 364 to Hopewell; he and neighbors are concerned where the new road will access County Road 18. Mr. Gould asked the Planning Board to look into the proposed Rain Gardens and design criteria. Will they handle a 50-year or 100-year rain event, and who will provide maintenance and ensure maintenance occurs? He asked the Board to keep in mind there are three townships involved with the Canandaigua Shores Plans, and expressed the importance of keeping the communication lines open between the townships.

**TOWN OF HOPEWELL PLANNING BOARD RESOLUTION
MARKS ENGINEERING FOR CANANDAIGUA SHORES, LLC
CANANDAIGUA SHORES RESIDENTIAL DEVELOPMENT - SUBDIVISION
COUNTY ROAD 18 – R-1 ZONING DISTRICT
TM#99.00-1-43.120 PZ# 2021-016**

SEQR – DECLARING INTENT TO BECOME LEAD AGENCY

WHEREAS, the Town of Hopewell Planning Board (hereinafter referred to as Planning Board) is considering subdivision plan approval creating nine (9) lots from an existing vacant parent parcel of 11.35 acres. The proposed nine (9) lots will be residential lots with the development of single-family dwellings. The project is within the R-1 Zoning District and detailed on Subdivision Plan prepared by Marks Engineering and dated April 7, 2021, last revised April 19, 2021, and all other relevant information submitted as of July 26, 2021 (the current application).

WHEREAS, the Planning Board has reviewed the completed State Environmental Quality Review (SEQR) Full Environmental Assessment Form (EAF), Part 1 prepared by Marks Engineering on the above referenced Canandaigua Shores Subdivision (hereinafter referred to as Action); and

WHEREAS, the Planning Board determines that said Action is classified as a Type 1 Action under the SEQR Regulations; and

WHEREAS, the Planning Board determines that said Action is also subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to the involved and interested agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby declare its intent to be designated as the lead agency for the Action.

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

BE IT FURTHER RESOLVED, that the Town Engineer (MRB Group D.P.C.) is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing.

The above resolution was offered by Sylvia Moore and seconded by James Carello at a meeting of the Planning Board held on Monday, July 26, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

James Bator – AYE	James Carello - AYE	Phil Bassage - AYE	Sylvia Moore - AYE
Allan M. Wesche AYE	Ryan Bruzda - AYE	Nick Sergeant - ABSENT	

I, Shawn L. Cotter, Planning 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 Planning Board for the July 26, 2021 meeting.

Shawn L. Cotter L. S.

Shawn L. Cotter, Planning Board Secretary

**TOWN OF HOPEWELL PLANNING BOARD RESOLUTION
MARKS ENGINEERING FOR CANANDAIGUA SHORES, LLC
CANANDAIGUA SHORES RESIDENTIAL DEVELOPMENT - SUBDIVISION
COUNTY ROAD 18 – R-1 ZONING DISTRICT
TM#99.00-1-43.120 PZ# 2021-016**

CONTINUATION RESOLUTION

WHEREAS, the Town of Hopewell Planning Board (hereinafter referred to as Planning Board) is considering subdivision plan approval creating nine (9) lots from an existing vacant parent parcel of 11.35 acres. The proposed nine (9) lots will be residential lots with the development of single-family dwellings. The project is within the R-1 Zoning District and detailed on Subdivision Plan prepared by Marks Engineering and dated April 7, 2021, last revised April 19, 2021, and all other relevant information submitted as of July 26, 2021 (the current application).

WHEREAS, the Planning Board at their July 26, 2021 meeting reviewed the completed State Environmental Quality Review (SEQR) Full Environmental Assessment Form (EAF), Part 1 prepared by Marks Engineering on the above referenced Subdivision Application (hereinafter referred to as Action); and

WHEREAS, the Planning Board determined that said Action is classified as a Type I Action and subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Planning Board at their July 26, 2021 meeting began the coordinated review under the SEQR regulations which does not end until September 1, 2021; and

WHEREAS, no other action can be taken until the coordinated review and determination of significance is rendered by the Lead Agency under the SEQR regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the public hearing and the application to their **August 23, 2021** Planning Board Meeting.

Hopewell Planning Board

2716 County Rd. 47 – Canandaigua – NY 14424
585-394-0036 ext. #8 – www.townofhopewell.org
Minutes – July 26, 2021

The above resolution was offered by James Carello and seconded by Phil Bassage at a meeting of the Planning Board held on Monday, July 26, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

James Bator – AYE	James Carello - AYE	Phil Bassage - AYE	Sylvia Moore - AYE
Allan M. Wesche AYE	Ryan Bruzda - AYE	Nick Sergeant - ABSENT	

I, Shawn L. Cotter, Planning 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 Planning Board for the July 26, 2021 meeting.

Shawn L. Cotter L. S.

Shawn L. Cotter, Planning Board Secretary

Board Business: Block Motion Referrals

No new items slated for August 2021 Planning Board meeting at this time.

Jim Carello moved to adjourn, seconded and carried unanimously.

Submitted by: Shawn L. Cotter L.S. – August 24, 2021



Shawn Cotter <scotter@townofhopewell.org>

FW: Date of Meeting regarding housing development on Smith Road and County Road 46

Michele Wistner <mwistner@yahoo.com>

Sun, Jul 25, 2021 at 1:04 PM

To: Shawn Cotter <scotter@townofhopewell.org>

Cc: "supervisor@townofhopewell.org" <supervisor@townofhopewell.org>

Thank you Shawn.

We are planning on attending the meeting - if I cannot make it (my Mom has had some health issues) my husband will be there.

These are the questions/concerns we have:

- 1) What is the location of the proposed homes? County Road 46? Smith Road? or both? We've heard conflicting locations.
- 2) How many homes are being proposed? and what is the square footage of them ?
- 3) Traffic is a huge concern on this road, and, adding additional housing will certainly add to the concerns we have.
- 4) How will the value of our home be effected??
- 5) Will there still be septic systems or will sewer be a possibility?

We have lived here for 37 years and have enjoyed the peace and tranquility for most of the time we have been here. We moved here for that very reason and love the farmland and occasional deer running through our yard.

The traffic has certainly increased, and we have had far too many motor vehicle accidents in front of our home; in our front yard and most recently on our front porch. The addition of these homes will only add to the traffic issues. The soon to be roundabout will hopefully slow people down and reduce the number of accidents, however, we have found there are a number of people who do not navigate them properly.

We appreciate the opportunity to submit our questions/concerns, and we truly hope you and the members of your board will take all of them into consideration when making your decision and keep the "country life" in the Town of Hopewell.

Thank you.

Michele and Robert Wistner

[Quoted text hidden]



Shawn Cotter <scotter@townofhopewell.org>

Concerns about the housing complex

2 messages

Tanya Kinney <tanya.kinney@leonardsexpress.com>
To: "scotter@townofhopewell.org" <scotter@townofhopewell.org>

Tue, Jul 27, 2021 at 11:39 AM

Hello,

My husband and I reside at 2950 Smith road, and we have some concerns about the housing complex that is being proposed to be built on the most beautiful farm land. First, that land was supposed to be sold for agricultural use only and it was Ruth Vanepps dying wish to have it sold for the purpose of farming, not building small houses. Our road is already busy enough with people using it as a back way to get around Canandaigua, and bringing in this housing complex would create so much more traffic that is not wanted/needed. We have lived on Smith road for almost a little over 8 years now and in that time we have become friends with almost all of our neighbors(all in which are not in favor of this complex and signed and petition to deny it), we have strived to get to know them and support one another. We have become close with the owners of Morgan and Samuels bed and breakfast. Lisa has put countless hours into that property and the business is finally booming once again after being hit hard by the pandemic. To take away their beautiful views would be taking away a part of their business that so many visit for. They are bringing vacationers to town as well as business, but by putting this housing development up, it will deter people from wanting to stay there due to that being in the plain view as well as the influx of traffic and business on an already very busy road, as mentioned before. We ask that the planning board really take into consideration how this will affect the residents of Smith road and County Road 46 and we ask that you deny this application for a housing development. That land is sacred to so many and should be used for the intended purposes which is agriculture only.

Thank you,

Tanya Kinney

Customer Advocate Assistant

[6070 Collett Road, Farmington, Ny 14425-0130](#)

P 585-433-9730 x1148

[Leonardsexpress.com](#)

Success Through Service



Shawn Cotter <scotter@townofhopewell.org>

Tue, Jul 27, 2021 at 11:56 AM



Justin Bruen <ceo@townofhopewell.org>

Re: Comments on Application PZ-2021-015

1 message

Carol Houle <agsustainllc@gmail.com>
To: Justin Bruen <ceo@townofhopewell.org>

Thu, Jul 29, 2021 at 1:17 AM

Thank you Justin! I hope it helped to get them to see the wisdom in asking many more questions before allowing this to happen. There are many better spots to place this project that will not be contra to the legacy of agriculture that the Van Epps intended. Grrrr. Did I mention that our local estate whores do not share this wisdom nor do they care about anyone but themselves and the profit it brings them.

I remain a staunch supporter of the region and the community we live in, but have taken the rosey glasses off. How does Hopewell retain its unique identity as the gentrification and sprawl attempt to change what has worked for generations. We need to be cognizant of our food supply chain as the world continues to change. I would think that is what the Legacy of our elders should and could be.

Of course, when I return, I will be sure to let Marty Muehe have an ear full on that matter. I used to work for his firm. I computerized the books for the firm and worked on estates, so am well aware of his motives and workings. His father was a good man. I miss his wisdom.

Godspeed to you Sir. I thank you for the assist. Looking forward to meeting you soon.

Have a blessed day!

Carol

On Mon, Jul 26, 2021 at 3:04 PM Justin Bruen <ceo@townofhopewell.org> wrote:

Carol,

I received the email and will make sure it is seen by the Town of Hopewell Planing Board this evening.

Justin Bruen

Code Enforcement Officer

Town of Hopewell

2716 County Rd. #47

Canandaigua, NY 14424

Office: (585)-394-0036 ext. 4

MICHAEL J. ROULAN
ATTORNEY AND COUNSELLOR AT LAW
407 SOUTH MAIN STREET
GENEVA, NEW YORK 14456

(315) 789-8580

FAX: (315) 789-4216

Email: mikejroulan@gmail.com

July 23, 2021

Hopewell Town Planning Board
2716 County Road 47
Canandaigua, NY 14424

**Re: County Road 46 & Smith Road
Subdivision**

Dear Planning Board:

An application is now before your respective Boards to consider a project entitled a 14-Lot Single Family Residential Development at County Road 46 and Smith Road. I represent several of the adjoining land owners who basically object to the project on the basis that it proposes to take land out of agricultural use.

We would first call to your attention that Hopewell is basically an agricultural town and its comprehensive plan provides that its over-all intent and vision is to preserve the agricultural nature of its lands. We would also point out that there also appears to be numerous other aspects of the plan that either do not meet the town's specifications or stretch the interpretation of these regulations, like flag lots, to the maximum extent to support the maximum residential size of their development. This is not just building a single-family residence in an area zoned residential but is a dense plan for building 13 houses on land mostly zoned agricultural that will forever change the character of the neighborhood.

The lands in question were purchased from the Estate of Ruth Van Epps who had farmed these lands for many, many years and obviously shared the vision of the town's comprehensive plan that all of her lands should remain in agricultural use. The following is a direct quote from the Last Will and Testament of Ruth Van Epps:

Hopewell Town Planning Board
July 23, 2021
Page Two

"I authorize my Executor to sell the remainder of the farms I own to an individual or individuals or business entity that will continue to use the properties for strictly agricultural purposes. It is my hope that my property shall continue to be farmed and not used for other business or other development. It is my direction to my Executor to sell this property, in his best judgment, to buyers who will continue the property being used as I have stated, even if there are other purchasers who would pay more money for this property. It is my fervent desire that my farm be kept as a farm and not turned into a housing development".

The above would have been known to any purchaser of these lands because it would have been of record in any abstract of title and title report. The developers of this land do not come to you with clean hands as they recently purchased the land and are clearly attempting to develop these lands against the crystal-clear directions of the late Ruth Van Epps. The attorney and Executor of the estate also were clearly aware of this restriction on development and were either not told the truth about the intended use of the property or failed to include a restriction in the deed prohibiting the type of development proposed. The lands could absolutely have been sold to other local farmers as we believe that 2 local farmers submitted offers.

My clients submit this Will issue to you for consideration both as a legal title question as to whether the developers can legally use the property for what they propose and as an issue to determine if the proposed project fits into the comprehensive plan for the town. The late Ruth Van Epps was a long-time owner and farmer who "*fervently desired*" the land remain in agriculture and not a housing development. We would urge you to reject the application and follow the comprehensive plan and vision of the Town of Hopewell and the late Ruth Van Epps.

Very truly yours,



MICHAEL J. ROULAN

MJR/gh