Town of South Bristol Zoning Board of Appeals Meeting Minutes
Wednesday, September 23, 2026

Present Elizabeth Caprini
Jason Fox
Martin Gordon
Jonathan Heiderich
Barbara Howard
Richard Riedman

Guests In-Person: Bill Grove, Emily Nicholas
Zoom: None

Call to Order
The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 6:30 pm followed by the Pledge of Allegiance.

Board roll call was taken with all members present.

Meeting Minutes
Martin Gordon made a motion to table approval of August 26, 2026, meeting minutes until next month to continue review. Jason Fox seconded the motion. The motion was unanimously adopted by all board members present.

Rules of Order
Rules of Order were read by Elizabeth Caprini.

Opening Statement
Chairperson Howard: We have an application for an area variance regarding a setback.

New Business
Area Variance Application 2026-0010
Referral to Ontario County Planning: Exempt
Owners: Emily Nicholas
Representative: William Grove PE
Property: 5880 Co Rd 33
Tax Map: 176.00-1-16.200
Zoned: R-3 (Residential Three Acres)

Chairperson Howard: Diane, please read the public notice.

Diane Graham: Yes.

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Zoning Board of Appeals will hold a public hearing for the following application:

2026-0010 for property owned by Emily Nicholas located at 5880 Co Rd 33, tax map 176.00-1-16.200. The applicant and property owner are looking for a 35-foot variance to front setback with a 15-foot front setback from the highway right of way line where 50 is required per town code to construct an 864 square foot two-bedroom single-family house with driveway, onsite wastewater treatment system and water well.

Said hearing will take place on the 23rd day of September 2026 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

The application is located on the town website under important documents and notices / board meeting documents.

Interested parties may provide written comments, appear in-person or Zoom.

Chairperson Howard: Speaking of Zoom do we have anybody on Zoom.

Diane Graham: No.

[Site and septic plans were displayed on the television screen]

Chairperson Howard: At this point it's your turn as the applicant and I am assuming Bill is going to help you out. Tell us what you want.

Bill Grove: Sure. I am Bill Grove with Grove Engineering. I have Emily the property owner with me tonight. It is Emily's intention to build a small house on the property that she owns. It's a ten and half acre lot, but on that ten and half acres there is very little buildable area because of the way the land slopes from off of the road onto a little bit of a plateau that sloped and it drops off to a large wet flatter area. It still slopes away from the road there, but it is low lying and wet. The intention is to keep the house up by the road so that we can get a septic system up there on the higher ground. Keep it away from the steep slope area. It is very much in character with the rest of the neighborhood. The house directly across the street is 9.6 feet from the right of way line where we are asking for 15 feet. We feel that it is the best location for the house so that we do not have to pump the septic back up the hill. It also allows her access between the lower side of the house and the steep bank to drive by if she ever needs to get access to the northern side of the property there. I think it is pretty straight forward. You may say it is a big ask for a 35-foot variance on a 50-foot setback. There is such little buildable space on the property that it really is where the house needs to go. In the application I pointed out ten different properties in that stretch that don't need setback requirements. I think it is very much in keeping with the character of the neighborhood. A lot of those houses and structures are very close to the road.

Chairperson Howard: Scott is not here. Do you have something in writing from Scott?

Diane Graham: It is on the application. I am looking for my worksheet. Apparently, I did not make one for myself. I am going to leave to go make one.

Martin Gordon: Here Diane. We can share. Diane, you can take mine.

Diane Graham: Thank you.

Chairperson Howard: Are you all set.

Diane Graham: Yes. Thank you. Sorry.

Chairperson Howard: Are there any questions for the board? Now is the time to think and act and ask questions.

Diane Graham: Oh, you open the public hearing.

Chairperson Howard: No. I did not open the public hearing. That is what I am saying, I am telling the board as they are the public hearing. Today we don't seem to have anybody else, but I want to make sure that we don't close it incorrectly.

Diane Graham: Just want to make sure I heard that. I didn't.

Chairperson Howard: Nobody has any questions?

Elizabeth Caprini: I did. I brought up a guardrail issue on another one. When will the guardrail be necessary with it being so close to the road? There are not others I know.

Bill Grove: There is a guardrail there in front of the house. Isn't there a guardrail on a portion of that?

Emily Nicholas: Yes. It will be protecting most of the house, but the guardrail wouldn't be removed for the driveway.

Elizabeth Caprini: Would or wouldn't?

Bill Grove: Would not. There is an existing guardrail there. It is not impacted by that.

Emily Nicholas: It ends at the opening of the driveway.

Elizabeth Caprini: Great. It looks like there is an expansion area on the septic plan. Do you anticipate adding up?

Bill Grove: Generally, not. When we design septics, we always have to show that there is room. We try to show room for future expansion in case that ever happens, but I do not think there is any intent to make it any bigger than the two bedrooms that it is going to be at least for now.

Elizabeth Caprini: I see.

Bill Grove: We try to show that that space is available. It makes it easier if she were to add a third bedroom at some point. You do not have to go back to get a design reengineered. You can use the original design because it showed that expansion area on it. It is common practice to show that.

Elizabeth Caprini: Thank you. I stopped in to talk to Scott because I wasn't sure if you needed setback for a septic system from the road. He said because it is buried, you do not see it he didn't think you needed one.

Bill Grove: Right. It is not considered a structure. There are minimum setbacks which would be ten feet from any property line.

Elizabeth Caprini: For a septic?

Bill Grove: For a septic. Yes, for the leach field.

Elizabeth Caprini: Thank you. That's all.

Diane Graham: Is that showing on there - the ten feet?

Bill Grove: Yes. Page two, sheet two. The zoomed in one.

Richard Riedman: I am familiar with that property area and wetlands as well. A beaver a couple years ago moved in and flooded that whole area down there until it was removed. I understand the property and I have seen it.

Jonathan Heiderich: For my own because I have driven by a couple times. Where you are proposing building this house there is a little parking area that doesn't go down like the map shows now. Is that where the driveway will go in?

Emily Nicholas: No. I mean have you seen a car there parked?

Jonathan Heiderich: Yesterday when I drove by there was a little gold car parked there.

Emily Nicholas: Yeah. It is further up near the house, the structure.

Bill Grove: I think it is this one. The pole is here. Is that where you park now?

Emily Nicholas: I park closer to the existing driveway. There is a big ash tree and then you would keep going down towards Honeoye and then that's where the new driveway would be. Right above the structure.

Diane Graham: Near the pond?

Jonathan Heiderich: Okay. Because of the nature of everything there I wasn't sure. As Doug said it slopes down and then again, it was kind of hard to envision exactly where things were going to go.

Elizabeth Caprini: I had to check too. I got my bearings by seeing that it is almost directly across from the one across the street, the driveway. The proposed.

Jason Fox: Seems like the only reasonable place to build given the topography and challenges with the water, etc.

Chairperson Howard: I have a couple of questions which Bill gave sort of gave me the idea. Where the house is now it seems like it is more than fifty feet from their to the right of way, which would mean she doesn't need a variance at all.

Bill Grove: It is fifteen feet to the right of way line.

Diane Graham: It is the red line.

Bill Grove: Yes. The red line.

Diane Graham: This is the road. This is the red line. So, it is fifteen feet to here. He has it written here but he put it on the opposite side.

Bill Grove: It is a 66-foot wide right of way so 33-feet from the centerline of the road to each side is the right of way line. Then we measured the fifteen from there to where we are proposing the house. Zoning would require 50 feet.

Diane Graham: From the property line.

Bill Grove: From the right-of-way line or property line.

Diane Graham: Is the property line the red mark?

Bill Grove: Yes. The front property line is the right of way line in this case. Is the red mark yes.

Diane Graham: Okay.

Chairperson Howard: Diane, can you put your pointer to where it is.

Diane Graham: The red line. This one.

Jason Fox: Fifty was the requirement that is where the 25-foot variance is.

Board Members: Thirty-five feet.

Jonathan Heiderich: It is still going to be a good distance from the road. It's encroaching on the right-of-way from our zoning requirements.

Bill Grove: Correct. If you go to sheet two, Diane it is zoomed in.

Jason Fox: To the applicant's point it is pretty typical.

Bill Grove: The orange line that is on the left side of the house that is the 50-foot minimum setback line.

Diane Graham: This one?

Bill Grove: No. That is the right-of-way line.

Jonathan Heiderich: That orange squiggly looking line.

Bill Grove: That is the orange dash line.

Jonathan Heiderich: Runs parallel to the contour lines.

Bill Grove: This is the 50-foot. It is behind the house by probably eight feet.

Jonathan Heiderich: Which would put you going down that steep slope if you had to go there.

Bill Grove: It is impossible to meet setbacks on this property.

Diane Graham: You have a lot of information to put on here and I didn't even see that.

Martin Gordon: If you drive down like every other house is right up by the road.

Jason Fox: It is very typical of that area.

Jonathan Heiderich: A lot of them are older houses but even so they are still close to the road.

Jason Fox: I would assume they picked the closeness for the same reasons as the applicant is.

Jonathan Heiderich: Especially on that side of the road with the way the wetland behind there is. You are not going to get much further back and be able to put a septic in without pumping it up to which then becomes a very expensive option.

Chairperson Howard: A question about the easements.

Bill Grove: Okay.

Chairperson Howard: Any special concerns we have about those?

Bill Grove: No. I believe the easement is the for the electric lines and those are between the right-of-way line and the edge of pavement. It is not encroaching on the property I think out by the right-of-way.

Diane Graham: Highway drainage and utility easement to Ontario County.

Bill Grove: Yeah. That is where the culvert comes across further north.

Diane Graham: There is one on the south too. A different deed.

Bill Grove: Yes. Where there is drainage that crosses Co Rd 32, 33 sorry.

Chairperson Howard: Visitation reports.

Martin Gordon: It seems to be very much in the character of the neighborhood.

Jason Fox: I would agree. I drove by.

Chairperson Howard: Marty?

Martin Gordon: Drove by.

Jonathan Heiderich: I have driven by twice and I tried to visualize where it would go. That is why I asked. Yesterday I saw the gold car parked there. That is why I wanted to know if that was where the driveway would to get a better visualization of things. I think putting it there would be very characteristic of that

neighborhood. It is not a huge house that is going to be out of place there when it is 800 square feet or something like that. It is barely bigger than a tiny home.

Richard Riedman: I have a friend that lives down the road, so I have been by there many times. I know exactly where they are proposing to put it in.

Diane Graham: Is it one-story or two-story?

Emily Nicholas: It is going to be one-story with a basement.

Diane Graham: That is why the finished floor is 1364.

Bill Grove: Yes. That would be the first floor, finished floor and the basement below that.

Diane Graham: So, that is the total 1364?

Bill Grove: No. That is the elevation.

Diane Graham: Oh, elevation, alright.

Bill Grove: Is above sea level.

Diane Graham: Got it. Sorry.

Jason Fox: If it is not finished space, it is not typically included in the calculation.

Chairperson Howard: Is the intent for the basement to be finished?

Emily Nicholas: Yes.

Chairperson Howard: That is what I was trying to get. It is two-story, but it is a first floor with a finished basement.

Emily Nicholas: Yes. A functional basement ideally.

Jason Fox: I do not know that it is pertinent to the request but just to be specific yes.

Chairperson Howard: Yesterday afternoon, last night when I visited you. By the way she is very ambitious. She was out mowing her lawn and dusk. You mentioned because if you remember we looked and we saw that you might not need the whole 35 feet from where you thought that it ended. I do not know which way the road was, but the roadside of the house. The closest side. But you talked about wanting to put a carport or some kind of overhang.

Emily Nicholas: Yes. I still have to figure out the design. Either way I know I need that 35. I need this variance to have the capability of being farther away from that drop that is on the property.

Chairperson Howard: Okay. I just wanted to make sure we were all on the same page. I am going to open the public hearing.

Diane Graham: We already opened it.

Chairperson Howard: No, we didn't.

Diane Graham: Oh, you didn't.

Chairperson Howard: No.

Diane Graham: We are supposed to do it…

Chairperson Howard: I did it just before…

Martin Gordon: When you call the meeting to order?

Chairperson Howard: I didn't call the public meeting the hearing to order. So, I am doing it now.

Diane Graham: Okay.

Bill Grove: Did you get any comments from anyone?

Diane Graham: I did. She is going to ask me next.

Bill Grove: I did not want to skip that part.

Diane Graham: No. I wouldn't let it.

Bill Grove: Unless they are negative and then we will skip right over them.

Diane Graham: I will let you know when I read it.

Martin Gordon: Was there a comment from Ebenezer Scrooge?

Bill Grove: Haha.

Jonathan Heiderich: I have them right here, Diane if you want.

Diane Graham: I have them I want to make sure we are in order. Did you do visitation reports yet?

Chairperson Howard: Yes.

Diane Graham: You already did, all of you?

Chairperson Howard: Yes.

Diane Graham: Okay. Determine SEQR. You are going to wait on that?

Martin Gordon: I think we are going to do that next.

Diane Graham: Okay. I am just following the flow chart. We are going to relay any public or municipal. No. Public any comments.

Chairperson Howard: Right.

Diane Graham: So, you want me to read them?

Chairperson Howard: Yes.

Diane Graham: Okay.

Martin Gordon: Just a point of order because the public hearing part needs to have what just happened. When you said it's 6:30 let's get going I thought it was opening the meeting and opening the public.

Chairperson Howard: It was just opening just the meeting. We have a separate opening for the public because the whole meeting is not a public hearing.

Martin Gordon: Okay.

Chairperson Howard: So, I called it to order and then…

Martin Gordon: I guess it is missing on our flow sheet.

Chairperson Howard: We will talk about that.

Diane Graham: That is something we have to work on.

Martin Gordon: I always assumed it was when you opened this meeting that was the public hearing. No. Interesting.

Chairperson Howard: It is not since I have been on the board anyway.

Diane Graham: Something that has to get reviewed by you guys.

The first one is I received an email on September 19th from John Holtz at 5938 Co Rd 33:

"I am not opposed to a variance being granted to Emily Nicholas at 5880 Co Rd 33.

This section of 33 consists of houses and buildings fairly close to the road, either due to them being built before cars, or topography.

I know Emily will make a good neighbor and careful steward of her land."

The second one was a letter dropped off dated September 20th from Michael and Franette Staub at 5864 Co Rd 33:

"I understand that the property owned by our neighbor Emily Nicholas located at 5880 Co Rd 33, tax map 176.00-1-16.200, is asking for a 35-foot variance to the front setback where a 50-foot set back is

required by town code. This will allow her to construct an 864 square foot two-bedroom single family house with driveway, on site wastewater treatment system and water well.

My wife Franette and I have known Emily for many years as a neighbor and a friend. She has always proven to be a good shepherd of the land and dependable neighbor in times of need. We heartily support her effort to build a permanent home and have no objection to the variance being granted to her so she can fully enjoy our wonderful neighborhood in the comfort and safety of her new home."

Chairperson Howard: That is all we have, right?

Diane Graham: Yes.

Chairperson Howard: Okay. At this point when we close a hearing by a statute you guys cannot say anything more. If somebody has a clarification I am probably going to so given that I am going to close the public hearing because there is nobody on Zoom, right?

Diane Graham: Correct.

Chairperson Howard: At this point we have a whole bunch of documents that we need to refer to. What we have done is make a list of them. Diane has answered most of them. So, if you look at the sheet she gave you. This is the one I am talking about where it says review documents. Don't go by that initially because it needs some modifications.

Jason Fox: Understood.

Chairperson Howard: We are going to talk about that tonight.

Jason Fox: Okay.

Chairperson Howard: The Zoning Board of Appeals application was submitted August 24th and revised on the 31st. We have the owner's permission for her to be represented by Mr. Grove. The agricultural data statement is not required for an area variance. SEQR questions reviewed. We do need to do that.

Diane Graham: Correct.

Chairperson Howard: If you go to the SEQR part of the application, it is three pages if I remember correctly.

Diane Graham: It should be a total of four pages.

Chairperson Howard: I have three of three.

Diane Graham: Plus the picture.

Chairperson Howard: Oh, gotcha. That picture also gives us the answers. Diane, do you want us to read of them individually?

Diane Graham: Do you want me to read, Jason or Jonathan maybe read them and then everybody in consensus.

Jonathan Heiderich: From what was submitted in the application?

Diane Graham: Yes.

Jonathan Heiderich: I can read them.

Diane Graham: Okay. Then if everybody is in agreement.

Jonathan Heiderich: Starting with question number one?

Diane Graham: Correct.

Jonathan Heiderich:

1. Does the proposed action only involve the legislative adoption of a planned local law ordinance or 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 municipality and proceed to Part 2. If no, continue to question two.

Chairperson Howard: I think we want to give the answers to the both of those are no for the Town of South Bristol.

Jonathan Heiderich: The answer to one and two are no.

Chairperson Howard: Okay. Three.

Diane Graham: Two. You will read that.

Jonathan Heiderich:

2. Does the proposed action require a permit. approval or funding from any other government agency. If yes, list the agency name and permit or approval:

There is a comment written in no, only the Town of South Bristol and the answer to the question is no.

Diane Graham: Do you agree with that?

Elizabeth Caprini: Yes.

Jonathan Heiderich: The only person that has to be involved in this is South Bristol, right?

Chairperson Howard: Correct.

Jonathan Heiderich:

3.

a. Total acreage of the site of the proposed action – answer is 10.527 acres
b. Total acreage to be physically disturbed? – 0.138 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 10.527 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
Forest is checked, rural (non-agriculture), and residential (suburban)

Chairperson Howard: Does everybody agree with those?

Board Members: Yes.

Jonathan Heiderich:

5. Is the proposed action
    a. A permitted use under the zoning regulations? Checked yes, which is consistent with the residential zone.
    b. Consistent with the adopted comprehensive plan? Checked yes.
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? Checked yes.

Jason Fox: Agreed.

Chairperson Howard: If you shout out that something is wrong with it otherwise we will assume that you are okay with it.

Diane Graham: Yes. As you are going through just say okay, okay or not okay.

Jonathan Heiderich:

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?

Diane Graham: You can refer to this it will answer.

Jonathan Heiderich: It is checked no and if you go to the last page, it shows answers to that from the DEC website. That is how they got to their no.

8.

a. Will the proposed action result in a substantial increase in traffic above present levels? No is checked.
b. Are public transportation services available at or near the site of the proposed action? No
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? No is checked.

Diane Graham: So, is everybody good so far?

Board Members: Yes.

Jonathan Heiderich:

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: There is a note: will meet energy code and checked yes.
10. Will the proposed action connect to an existing public/private water supply? If no, describe methos for providing potable water: A note is new drilled well proposed, and no is checked for the question.
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment: New conventional septic system proposed and the answer to the question is no.
12.
    a. Does the project site contain, or is it substantially contiguous to, a building, archeological site, or district which is listed on the National or State Register of Historical 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? The answer is no and that goes back to the last page some answers there.
    b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory? No is checked.
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? Yes is checked.
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? No is checked. If yes, identify the wetland or waterbody and extent of alterations in square feet or acres. It says no encroachment to any wetland or waterbody.
14. Identify the typical habitat types that occur on or are likely to be found on the project site. Check all that apply: Forest is checked, early mid-successional, and wetland. The other options were shoreline, urban, suburban and agricultural/grasslands.
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? The answer is no.
16. Is the project site located in the 100-year or 500-year flood plain? The answer to that is no.

Diane Graham: Just a note we put the OnCor map showing what area is, away from the property.

Jonathan Heiderich:

17. Will the proposed action create storm water discharge, either from point or non-point sources? The first is checked yes,
    a. Will storm water discharges flow to adjacent properties? No
    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If yes, describe briefly. It is checked no with a note stormwater will sheet flow westerly.
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (example: retention pond, waste lagoon, dam)? If yes, explain the purpose and size of the impoundment and the answer to the question is no.
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waster management facility? The answer to that is no.

20. Has the site of the proposed action or the adjoining property been subject of remediations (ongoing or completed) for hazardous waste? The answer is no.
21. Is the project located within, or within half mile of a disadvantaged community? The answer is no. If no, could impacts from the project affect the disadvantaged community? That is answered no.

That is the end of those questions that was signed on August 31 by Mr. Grove as having been completed.

Chairperson Howard: The next thing we need to do with respect to SEQR. We need to identify.

Diane Graham: Did you want to go through all the documents?

Chairperson Howard: You don't want to do this section?

Diane Graham: We will do that on the findings.

Chairperson Howard: Okay.

Diane Graham: Oh, I see you need to discuss it yes before you do a finding.

Chairperson Howard: Right. I would like to do it given that we just did the SEQR form. I would like to go on and discuss any issues with the SEQR form that we got. We need to identify the sections of the SEQR code as what is going to take place. Has anyone taken a look at the guide book to find out.

Jonathan Heiderich: I did not.

Elizabeth Caprini: I didn't.

Martin Gordon: I agree with what is written in what is going to come up in our findings that's applicable in the SEQR determination.

Chairperson Howard: We need to identify the section of the code.

Martin Gordon: Sure.

Chairperson Howard: If Diane had not been nice enough for us to look at it.

Martin Gordon: She was yes in the sections of the code.

Chairperson Howard: I know but what I am saying is we are supposed to be able to confirm what she has put in there is correct.

Martin Gordon: It's correct.

Diane Graham: Each board member should be reviewing them to see if they are correct and come to an agreement.

Chairperson Howard: Elizabeth, did you say yes, you had?

Elizabeth Caprini: Yes. As area variance findings there the reference to the SEQRs as a Type II is that where we are at?

Chairperson Howard: Yes.

Elizabeth Caprini: Sections of the code:

617.5(c)(11) *"construction or expansion of a single-family, two-family or a three-family residence on an approved lot including provision of necessary utility connections."*

617.5(c)(16) *"granting of individual setback and lot line variances and adjustments."*

617.5(c)(17) *"granting of an area variance for a single-family, two-family, or three-family residence"* with no further review required.

Chairperson Howard: Do those sound like the correct areas of the code to everybody?

Elizabeth Caprini: Yes.

Jason Fox: They do.

Board Member: Yes.

Chairperson Howard: Next time I am not going to let Elizabeth tell us. You have to get accustomed to the SEQR codes. After a while it will fly by. With that's the case I think now we have to do the documents. Oh, hang on a minute. No, we are okay. I have not closed the public hearing yet. We are okay.

Chairperson Howard: Did I close it?

Diane Graham: Yes.

Chairperson Howard: Okay.

Bill Grove: That's when you told me I couldn't say anything else.

Chairperson Howard: Yes, that is when I told you couldn't say anything else. We have municipal officer's documentation and there is a cheat sheet if you will. Most of these are actually taken care of already.

Diane Graham: Does somebody else want to read them?

Chairperson Howard: Do you really not like my voice tonight, do you?

Martin Gordon: The review documents that were part of the package?

Chairperson Howard: Yes. We don't need to read them all do we?

Diane Graham: Yes.

Martin Gordon: The review documents are on the Zoning Board of Appeals area variance.

Diane Graham: They are not in the minutes.

Martin Gordon: So, we do have to read them. I will read them quick.

Chairperson Howard: Okay.

Martin Gordon:

- Zoning Board of Appeals application was submitted on August 24, 2026, and revised on August 31, 2026
- Owner's permission for representation - Mr. Grove
- Agricultural data statement not required for area variance
- SEQR questions reviewed and answered correctly
- Grove Engineering site plan and septic plan dated August 21, 2026, and revised August 31, 2026
    - Highway drainage and utility easement with Ontario County – discussed that already
- Engineer septic design plan reviewed by CEO
- Town Planning Board recommendations not required
- County Planning Board recommendations exempt
- No certificate of non-conformity on file
- No existing variances on file
- No NYS Parks, Recreation and Historical Preservation archeological site determination required
- No NYS DEC bald eagle jurisdictional review determination required
- No Canandaigua Lake Watershed Inspector / NYS DEC recommendations
- No storm water & erosion control measures recommendations
- No floodplain development permit application determination
- Written comments that we heard from Mr. Holtz & The Straubs'

Chairperson Howard: Okay. Now I think we can go to the findings. Your turn. Just the first one.

Jason Fox: SEQR status is a Type II action under paragraphs:
617.5 (c)(11) "*construction or expansion of a single family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections…"*
617.5 (c)(16) *"granting of individual setback and lot line variances and adjustments."*
617.5 (c)(17) *"granting of an area variance for a single-family, two-family or three family residence."*
with no further review required.

Jason Fox made the motion. Richard Riedman seconded the motion.

All in favor.

Ayes 5, E. Caprini, J. Fox, M. Gordon, B. Howard, R. Riedman
Nays 0

Motion carried.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties created by granting the area variance.

Jason Fox made the motion. Richard Riedman seconded the motion.

All in favor.

Ayes 5, E. Caprini, J. Fox, M. Gordon, B. Howard, R. Riedman
Nays 0

Motion carried.

The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Jason Fox made the motion. Martin Gordon seconded the motion.

All in favor.

Ayes 5, E. Caprini, J. Fox, M. Gordon, B. Howard, R. Riedman
Nays 0

Motion carried.

The requested area variance is not substantial.

Jason Fox made the motion. Martin Gordon seconded the motion.

Chairperson Howard: Okay. We are going to do a discussion. I am going to say it is substantial. A 35-foot out of 50 is I am going to argue that it is substantial.

Jason Fox: Okay.

Diane Graham: Instead of is not you are changing the motion.

Jason Fox: Is not substantial? Is substantial. Okay.

Diane Graham: Is that your motion?

Jason Fox: Yes. That is my motion.

Diane Graham: Who will second that it is?

Richard Riedman: Richard seconds.

All in favor.

Ayes 3, E. Caprini, B. Howard, R. Riedman

Nays 2, J. Fox, M. Gordon

Motion carried.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Jason Fox made the motion. Elizabeth Caprini seconded the motion.

All in favor.

Ayes 5, E. Caprini, J. Fox, M. Gordon, B. Howard, R. Riedman
Nays 0

Motion carried.

The alleged difficulty was not self-created.

Jason Fox made the motion. Richard Riedman seconded the motion.

All in favor.

Ayes 5, E. Caprini, J. Fox, M. Gordon, B. Howard, R. Riedman
Nays 0

Motion carried.

Chairperson Howard: Any other findings?

Jason Fox: I have none.

Chairperson Howard: Okay, we have to have one motion to either approve or deny the applicant's request for a 35-foot variance resulting in a 15-foot front setback from Co Rd 33 right of way line when 50 feet is required per town code. I make that motion.

Jason Fox seconded the motion.

Roll Call Vote
Elizabeth Caprini – Aye
Jason Fox – Aye
Barbara Howard – Aye
Martin Gordon – Aye
Richard Reidman – Aye

Motion carried.

Chairperson Howard: You have your variance, Emily.

Bill Grove: Thank you all.

Other
Board will review meeting flowchart and procedures to discuss possible changes at the next meeting.

Reminder – board education and compliance training. Diane Graham will email board members who need to complete.

Motion to Adjourn
Having no further business, Martin Gordon made a motion to adjourn the meeting. Jason Fox seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 8:01 pm.

Respectfully submitted,

Diane S. Graham

Diane Scholtz Graham
Board Assistant

DRAFT