



**PLANNING BOARD  
TOWN OF CONESUS**

**FEBRUARY 17, 2022  
7:00 PM**

A Regular Meeting of the Planning Board of the Town of Conesus, County of Livingston and the State of New York was held at the Town Hall, 6210 South Livonia Road, Conesus, New York 14435 on the 17<sup>th</sup> day of February 2022.

<b>PRESENT:</b>	Brad Francis	-----	Chairman
	Barbara Anderson	-----	Member
	Dave Johnston	-----	Member
	Carol Crane	-----	Secretary

<b>ABSENT:</b>	Angela Leverson	-----	Vice Chairwoman
	Kim Grab	-----	Member
	Cecile Dunkleberg	-----	Alternate (attend only when needed)
	Jerry LaVigne	-----	Alternate (attend only when needed)

**OTHERS PRESENT:** Ron Maxwell (Code Enforcement Officer), Jeffrey Schlegel and other members of the community.

**CALL TO ORDER:** Chairman Francis called the meeting to order at 7:03 PM.

**APPROVAL OF MINUTES** November 18, 2021  
Postponed until the March meeting

**APPROVAL OF MINUTES** January 20, 2022  
Postponed until the March meeting

**ANNOUNCEMENTS AND COMMUNICATIONS**

1. Copy of February 17, 2022 Agenda
2. Copy of November 18, 2021 Meeting Minutes
3. Copy of January 20, 2022 Meeting Minutes

**NOMINATION FOR VICE CHAIRPERSON**

Postponed until March 17 Meeting

**OLD BUSINESS**

Public Hearing for 2-Lot Subdivision for Tax Map #111.-1-1.53 is postponed until March 17, 2022

1. Tax Map #111.-1-1.53  
Margaret & Paul Smith/Laurie Copeland  
P. O. Box 101  
Livonia, New York 24487  
Phone: (585) 704-7207



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They are requesting a 2-Lot Subdivision located on 5750 South Livonia Road. They plan to build a single-family residence on 3 acres and another single-family residence on the remaining 15.742 acres.

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**RESOLUTION #04-2022**

**APPROVAL TO ACCEPT THE FENCE LAW CHANGES WITH REVISIONS**

On a motion by Barb Anderson and seconded by Dave Johnston, the following resolution was

**ADOPTED**      Ayes    3            Anderson, Francis, Johnston  
                     Nays    0

Resolved the Planning Board approve to accept the fence law changes with revisions to be presented to the Town Board as follows:

Section 155—36.1 shall be established, to be entitled “Fences,” and shall read as follows:

Fences (which are not considered structures for purposes of this Section) may be erected in any district, subject to the following provisions:

A. Fence Permit Required:

- (1) No fence may be installed or constructed within the Town unless pursuant to a permit issued by the Code Enforcement Officer / Building Inspector, unless otherwise subject to an exemption, subject to a permit fee.
- (2) No permit for a fence shall be issued unless the proposed fence complies with the provisions contained in this Section.
- (3) An application for a fence permit shall be made to the Town Code Office on forms provided by the Town.
- (4) Fence permit applications to erect a fence within any given required front, side, or rear yard shall be accompanied by a survey map reflecting the current extent of the property, the relevant setback requirements, and depicting the proposed location of said fence.
- (5) Fence permit applications for lots with direct shoreline frontage in the Lakeshore District shall also depict the Mean High-Water Mark (the Mean High-Water Mark shall be defined in this Section as defined in the Town of Conesus Dock and Mooring Law).
- (6) Fence Permit Exemptions. The following shall not require a Fence Permit:
  - Fences installed and/or constructed as part of an agricultural operation or use recognized by the Town.
  - Fences installed and/or constructed as required for a residential pool, which shall be addressed during the permitting process for pools.
  - Temporary fencing, which includes fencing that remains in place for less than six months out of year.
  - Fences installed by the Town, including at public parks.

B. General requirements:



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The following requirements shall apply throughout all zoning districts in Town, unless otherwise stated.

- (1) No fence shall be erected upon or otherwise encroach upon a public right-of-way. Moreover, no fence shall be erected that will create a safety problem for people using the public right-of-way.
- (2) Any fence shall have its finished or decorative side facing toward the adjacent properties. The fenceposts and other supporting structures of the fence shall face the interior of the area to be fenced.
- (3) The height of all fences shall be measured from the average finished grade at the base of the fence.
- (4) Fences incorporating barbed wire, electric current, or similar material or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten-foot setback.
- (5) Fences expressly designed with the intent to maim or injure prospective intruders are prohibited except as authorized in Subsection B(4) above.
- (6) Every fence shall be properly maintained.
- (7) If the fence is to be located on a corner lot, the following provisions shall also apply: No solid fences over 24 inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 25 feet in distance from the point of intersection measured along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, whatever is lower. Only split-rail fences, cyclone fences, chain-link fences or other similarly open fences are permitted in the triangular area, provided they do not otherwise create a traffic hazard or block visibility.
- (8) Fences adjacent to driveways and roadways shall not obstruct the vision of operators of motor vehicles traveling on the same.
- (9) No fences shall be constructed, established or built-in excess of six feet in height, with the exception of fencing for tennis or similar recreation courts, which may be up to 12 feet in height.
- (10) Fences six feet or lower in height are exempt from the setback requirements of the lot on which they are located. For fences greater than six feet in height (tennis or recreation courts), the setback requirements of the lot on which they are located shall apply. There shall be an additional one-foot setback for every 1-foot in height exceeding the first six feet.
- (11) No fence over four feet in height shall be constructed in the front yard of any lot, except for decorative post on said fence, which may be no more than 12 inches in excess.
- (12) Unless otherwise specified, fence materials for fences or portions of fences may be fully opaque.
- (13) The Planning Board, as part of site plan review, may require a fence or other screening to shield adjacent residences or other uses from undesirable views, noise, or light.



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(14) Any legally existing fences pre-dating this law shall be protected as a pre-existing non-conforming use so long as they are not enlarged or expanded.

C. Lake Shore District. In addition to the fencing requirements above, all fences in the Lake Shore District shall additionally comply with the following:

- (1) Fences located between the Mean High-Water Mark and the rear building line of a principal structure (measured from a point inclusive of decks and porches), shall not exceed four feet in height, and shall be comprised of material that are at least 60% transparent, as viewed from an angle of 90 degrees.
- (2) Fences located in side yards, forward of the rear building line (measured from a point inclusive of decks and porches), may have a height more than four feet but shall not exceed six feet in height.
- (3) Fences may be constructed from wood, chain link, stone, rock, brick, masonry brick, wrought iron, vinyl, and aluminum. However, no fence shall be constructed from items not customarily used for fencing, such that the materials including but not limited to the following may not be used for fencing: plywood less than 5/8-inch thick, low-grade plywood, pallets, particle board, paper, foam board, plastic, tarps (and similar materials), razor wire or other dangerous materials, sheet metal, roll metal, corrugated metal, concrete block, or chains.
- (4) Fences shall extend no closer to the water than 10 feet from the Mean High-Water Mark.

D. Special Use Fencing

Fencing for the following specific uses may vary from the provisions in this Section. Instead, the fencing provisions for these specific uses shall be dictated by the Special Use Permit / Conditional Use Permit process, but these regulations may be taken into account as guidance during such permitting process:

1. Fences for Windmills and Energy Conversion Systems,
2. Fences for Wireless Service Facilities,
3. Fences for Junkyards,
4. Fences for Gravel Pits, and
5. Fences for Automotive Repair Facilities.

**NEW BUSINESS**

2. Tax Map #129.-1-9.21  
Jeff Schlegel  
62 Allandale Avenue  
Rochester, New York 14610  
Phone: 585-314-5236



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Mr. Schlegel is requesting a Site Plan for a seasonal camper to have electric for summer camping located on Hoes Hill Road in the A/RR District.

**RESOLUTION #04-2022**

**APPROVAL TO ACCEPT SITE PLAN FOR TAX MAP #129.-1-9.21**

On a motion of Barb Anderson and seconded by Dave Johnston, the following resolution was

**ADOPTED**      Ayes    3            Anderson, Francis, Johnston  
                     Nays    0

Resolved the Planning Board approve the Site Plan for Tax Map #129.-1-9.21 currently owned by Jeffrey Schlegel to put electric to a camper on vacant land on Hoes Hill Road in the A/RR District.

**GENERAL DISCUSSION**

- Discussed changes to the moratorium on Solar Arrays

With no further business, on a motion of Barb Anderson and seconded by Brad Francis, the meeting was adjourned at 7:56 PM. Motion was carried unanimously.

Respectfully submitted,

Carol Crane  
Planning Board Secretary