



**ZONING BOARD OF APPEALS
TOWN OF CONESUS**

**MAY 23, 2022
7:00 PM**

A Regular Meeting/Public Hearing of the Zoning Board of Appeals 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 23rd day of May 2022.

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|-----------------|---------------------|-------|-----------------|
| PRESENT: | Mark Hopkins | ----- | Chairperson |
| | Alissa de Wit-Paul | ----- | Vice Chairwoman |
| | Mike Vogt | ----- | Member |
| | Ken Wilkinson | ----- | Member |
| | Carol Crane | ----- | Secretary |
| ABSENT: | Brian McCarty | ----- | Member |
| | Reinhard Gsellmeier | ----- | Alternate |

OTHERS PRESENT: Rick McGrain, Rich Corrigan, R. Jon Schick and other members of the community

CALL TO ORDER: Chairperson Hopkins called the meeting to order at 7:00 PM.
Chairperson Hopkins led the Pledge of Allegiance

ANNOUNCEMENTS AND COMMUNICATIONS

1. Copy of May 23, 2022 Agenda
2. Copy of April 25, 2022 Meeting Minutes

APPROVAL OF MINUTES April 25, 2022

NO QUORUM-TABLED UNTIL NEXT MONTH

OLD BUSINESS

RESOLUTION #18-2022

CONTINUATION OF PUBLIC HEARING FOR TAX MAP #110.30-1-17

On a motion of Mike Vogt and seconded by Ken Wilkinson, Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on May 12, 2022 and opened tonight at 7:03 PM.

1. Tax Map #110.30-1-17
Scott Baxter
43 Watersong Trail
Webster, New York 14580

Mr. Baxter is requesting a Lot Coverage Variance per Section 155-38C (3) maximum lot coverage of 35% cannot be met. The existing property has a lot coverage of 47%. The proposed development will reduce the lot coverage to 44%. The property is located at 5880 East Lake Road. The Site Plan with the proposed Rainstore modules substituted for permeable paving was discussed.

RESOLUTION #19-2022

CLOSE PUBLIC HEARING FOR TAX MAP #130.-1-17



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With no one wishing to speak either for or against, on a motion of Mike Vogt and seconded by Alissa de Wit-Paul, Chairman Hopkins declared the Public Hearing closed at 7:36 PM. Motion was carried unanimously.

This application was determined to be a Type II Action, and SEQR was not required per #12 of the New York Codes, Rules and Regulations 617.5 Type II Actions. Mr. Schick (Aberthaw Architectural Designs) did provide the SEQR.

Lot Coverage Variance determination letter dated 3/21/2022 for Tax Map #110.30-1-17 currently owned by Scott Baxter located at 5880 East Lake Road.

JON SCHICK, AIA



ARCHITECT

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March 21, 2022

Town of Conesus

Zoning Board of Appeals
6210 South Livonia Road
Conesus, NY 14435

Area Variance - Board Considerations

PROJECT: 5880 East Lake Road, Town of Conesus, NY

CONSIDERATIONS FOR GRANTING AREA VARIANCES.

I. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of the variance?

No. This area along the lake is densely developed. Many of the properties are pre-existing non-conforming. For example, the property to the south meets none of the required setbacks and also exceeds the lot coverage allowance.

The existing house at 5880 has a very large presence on the site. It has 3-stories. The proposed house has a similar ridge height, but is narrower, so allows for more of a view of the lake between structures, from the public right of way, and does not look so large.



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2. Can the benefit sought by the applicant, be achieved by some other method, other than an area variance?

No. The Owners have a large family and still need a 4-bedroom house. They are proposing to make this a year-round residence and really need a garage. They currently have no offstreet parking; which can be hazardous, especially during the busy summer season. The new proposed development provides them a garage and some additional off street parking which is a benefit for the congested area.

To maintain many of the desired features of a waterfront property, many of the outdoor features; terraces, decks, grilling area, etc., are actually located under the structure to minimize the lot coverage.

3. Is the area variance requested substantial?

No. The existing conditions on the property yields a 47% Lot Coverage, including the footprint of the existing house, porches, decks, walkways, etc. The new home will reduce the lot coverage to 44%, with the addition of the garage.

That may not sound like much, but the lot is very small; just 5,575 SF. Additionally, the lot is oddly shaped; only 36' wide at the street.

The existing house also does not meet the required side yard setback on either side. On the north side the existing setback is only 10". Because the existing house is rotated on the site, it has the affect of being squeezed onto the property and limits any views of the lake from public right of way. The proposed footprint is more sensitively located on the site, minimizing its impact between houses.

The house to the south appears to be partially behind the existing house at 5880.

We have been able to reduce the lot coverage by 3% even with the addition of a 2-car garage and meeting all the setback requirements. To meet the required 20' setback from the street, we will need a driveway, which we are proposing to use permeable paving to maintain the reduction in lot coverage.

4. Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

The variance will not have an adverse effect on the neighborhood. It will actually have a positive effect. As previously noted, the proposed rotated residence actually allows for a

better public view of the lake, on both sides, instead of blocking it entirely. It also provides off-street parking for 5-6 vehicles, which will provide a safer condition along the street. The new



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rotated house will be more appropriately oriented between the north and south houses, eliminating the strange irregular appearance of the existing house.

5. Is the need for the requested variance self-created?

The variance request could be considered self-created, in that the Owner's purchased the existing house 17 years ago in its existing condition. Their intent was to renovate and make improvements over the years. But, the house posed many limitations. The existing framing throughout is undersized, and the rubble foundation has settled in various locations, causing extremely sloped, sagging floors. The floor-to-floor heights are very low. It is only partially heated and cooled. There is no insulation, etc. They love the house, but renovation is not practical.

They have also decided to live permanently on the Lake.

Building a new house is the only real solution to achieve a year-round home for their family. Building "new," means building to today's building standards, as well as, today's market standards. Generating some reliable parking is a must. A garage is desirable for living there in the winter and has become an industry standard, as well.

Additionally, one of the Owners has a disability which makes walking and maneuvering stairs a challenge. The house is designed to allow for an elevator and the attached garage provides direct access into the mudroom and the elevator.

RESOLUTION #20-2022

APPROVAL OF SUBMITTED PLANS FOR TAX MAP #110.30-1-17

On a motion of Mike Vogt and seconded by Alissa de Wit-Paul, the following resolution was

ADOPTED Ayes 4 de Wit-Paul, Hopkins, Vogt, Wilkinson
 Nays

Resolved the Zoning Board of Appeals approve the submitted plans which need to be reviewed to meet Building Department determination it is a pervious surface for Tax Map #110.30-1-17 located at 5880 East Lake Road currently owned by Scott Baxter.

NEW BUSINESS

None scheduled for tonight.

With no further business, on a motion of Alissa de Wit-Paul and seconded by Ken Wilkinson, the meeting was adjourned at 7:40 PM. Motion was carried unanimously.

Respectfully submitted,

Carol Crane,
Zoning Board of Appeals Secretary