



**ZONING BOARD OF APPEALS
TOWN OF CONESUS**

**OCTOBER 30, 2023
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 30th day of October 2023.

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

ABSENT:	Brian McCarty	-----	Member
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OTHERS PRESENT: Ron Maxwell, Jackie Bartolotta, Steve Fantuzzo (Nixon Peabody for Tarpon Towers) Phil West, Matthew Sousa (MRG Group) Rich Corrigan and other members of the community

CALL TO ORDER: Chairman Hopkins called the meeting to order at 7:01 PM.
Chairman Hopkins led the Pledge of Allegiance

ANNOUNCEMENTS AND COMMUNICATIONS

1. Copy of October 30, 2023 Agenda
2. Copy of August 28, 2023 Meeting Minutes
3. Copy of September 25, 2023 Meeting Minutes

APPROVAL OF MINUTES July 25, 2022
Not Available yet

RESOLUTION #24-2023

APPROVAL OF MINUTES August 28, 2023
On a motion of Alissa de Wit-Paul and seconded by Ken Wilkinson, the following resolution was

ADOPTED	Ayes	3	de Wit-Paul, Vogt, Wilkinson
	Nays	0	
	Absent from the August Meeting	2	Hopkins, McCarty

Resolved the Zoning Board of Appeals approve the August 28, 2023 meeting minutes as amended.

RESOLUTION #25-2023

APPROVAL OF MINUTES September 25, 2023
On a motion of Mike Vogt and seconded by Mark Hopkins, the following resolution was

ADOPTED	Ayes	3	Hopkins, Vogt, Wilkinson
	Nays	0	
	Absent from the September Meeting	3	de Wit-Paul, McCarty, Gsellmeier



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Resolved the Zoning Board of Appeals approve the September 25, 2023 meeting minutes as written.

OLD BUSINESS

RESOLUTION #26-2023

OPEN PUBLIC HEARING FOR A SPECIAL USE PERMIT, AN 85 FOOT VARIANCE AND A 79 FOOT SETBACK VARIANCE FOR TAX MAP #119.-1-35.2

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

ADOPTED Ayes 4 de Wit-Paul, Hopkins, Vogt, Wilkinson
 Nays 0

Resolved that Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on October 12, 2023 and October 19, 2023 and opened tonight at 7:06 PM.

1. Tax Map #119-1-35.2
Philip West
6637 East Swamp Road
Conesus, New York 14435

Tarpon Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless is requesting a Conditional Use Permit, an 85-foot Height Variance and a 79-foot Setback Variance to construct and operate a 165’ wireless telecommunications tower (plus 4’ lightning rod) on property located at 6637 East Swamp Road currently owned by Philip West in the A/RR District.

RESOLUTION #27-2023

CLOSE PUBLIC HEARING FOR A SPECIAL USE PERMIT, AN 85 FOOT HEIGHT VARIANCE AND A 79 FOOT SETBACK VARIANCE FOR TAX MAP #119.-1-35.2

With no one wishing to speak either for or against, on a motion of Mike Vogt and seconded by Ken Wilkinson, Chairman Hopkins declared the Public Hearing closed at 7:32 PM. Motion was carried unanimously.

RESOLUTION #28-2023

APPROVAL OF AN 85-FOOT HEIGHT VARIANCE AND A 79-FOOT SETBACK VARIANCE FOR TAX MAP #119.-1-35.2

On a motion of Mike Vogt and seconded by Ken Wilkinson, the following resolution was

ADOPTED BY ROLL CALL VOTE

Mark Hopkins	Aye
Alissa de Wit-Paul	Aye
Mike Vogt	Aye
Ken Wilkinson	Aye
Brian McCarty	Absent
Reinhard Gsellmeier	Alternate



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Resolved the Zoning Board of Appeals approve an 85-foot height variance and a 79-foot setback variance for Tax Map #119.-1-35.2 currently owned by Philip West located at 6637 East Swamp Road in the A/RR District for Tarpon Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a/ Verizon Wireless to construct and operate a 165' wireless telecommunication tower (plus 4' lightning rod).

RESOLUTION #29-2023

APPROVAL OF SPECIAL USE PERMIT FOR TAX MAP #119.-1-35.2

WHEREAS, the Town of Conesus Zoning Board of Appeals (hereinafter referred to as the Zoning Board) is considering a Special Use Permit and Area Variance approval for the installation of an 169-foot monopole cell tower located at 6637 East Swamp Road within the Agricultural/Rural Residential District (A/RR) as detailed on the Site Plan prepared by Tectonic Engineering and all other relevant information submitted as of October 30, 2023 (the current application); and

WHEREAS, the Planning Board classified the above referenced Action to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board on Thursday, October 19, 2023, declared its intent to be designated the Lead Agency and issued a Negative Declaration for the proposed Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, on Monday, October 30, 2023, in compliance with NYS Town Law, the Zoning Board held a Public Hearing on the current application and completed a formal review of the applications; and

WHEREAS, on Monday, October 30, 2023, the applicant was granted height and area variances from the Zoning Board in accordance with the Town of Conesus Code #151-6 © and €; and

WHEREAS, the Zoning Board does hereby determine the proposed Special Use Permit is in compliance with the provisions of Chapter 151-6 of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board does hereby approve the requested special use permit with the following conditions:

1. Issuance of a Special User Permit is contingent upon the applicant being granted Site Plan approval by the Town of Conesus Planning Board.
2. The special use permit shall remain in effect for the current owner of the premises with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code #151.
3. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Zoning Board of Appeals.
4. A security bond and abandonment criteria in compliance with Town Code Sections 151-6 (I) and 151-8 © should be provided to the Town prior to the issuance of a building permit. The amount of the bond shall be equal to the amount of the full assessed value of the wireless service



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facility, plus 20%, which shall be reviewed by the Town Board and Town Assessor every four years. The security bond is to be reviewed and accepted by the Town Board prior to the issuance of a permit.

5. The Town Code Enforcement Officer may make an on-site visit at least once over the course of the year, or as may be necessary to ensure that the site is being operated in accordance with the conditions specified by the Zoning Board of Appeals.
6. No signage associated with the Special Use Permit has been approved. Separate approval by the Zoning Board is required for all signage.
7. Comments made in the Town Engineer review letters must be addressed and adhered to prior to the issuance of building permits and construction beginning.
8. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and conditions of this approval.
9. All consultants' fees for review of application are to be reimbursed by the applicant to the Town prior to the issuance of permits.

The above resolution was offered by Mike Vogt and seconded by Ken Wilkinson at a meeting of the Zoning Board of Appeals held on Monday, October 30, 2023. Following discussion thereon, the following roll call vote was taken and recorded.

Mark Hopkins, Chairman	AYE
Alissa de Wit-Paul, Vice Chair	AYE
Brian McCarty	Absent
Ken Wilkinson	AYE
Mike Vogt	AYE
Reinhard Gsellmeier, Alternate	

I, Carol Crane, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Conesus Zoning Board of Appeals for the October 30, 2023 meeting.

NEW BUSINESS

1. Tax Map #101.70-1-2.11
Carl Myers Enterprises, Inc.
5654 East Lake Road
Conesus, New York 14435

Tentative plan to review action items.

An offer is being made – move to December 31st meeting.



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GENERAL DISCUSSION

- Reinhard attended training in Corning regarding Area Variances and passed information documents to the rest of the Board.

With no further business, on a motion of Mike Vogt and seconded by Alissa de Wit-Paul, the meeting was adjourned at 8:17 PM. Motion was carried unanimously.

Respectfully submitted,

Carol Crane, Zoning Board of Appeals Secretary