



**ZONING BOARD OF APPEALS  
TOWN OF CONESUS**

**APRIL 24, 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 24<sup>th</sup> day of April 2023.

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

**ABSENT:**

**OTHERS PRESENT:** Ron Maxwell, Rich Corrigan, Greg Wojcik

**CALL TO ORDER:** Chairman Hopkins called the meeting to order at 7:08 PM.  
Chairman Hopkins led the Pledge of Allegiance

**ANNOUNCEMENTS AND COMMUNICATIONS**

1. Copy of April 24, 2023 Agenda
2. Copy of January 30, 2023 Meeting Minutes
3. No meeting was held on February 27, 2023
4. Copy of March 27, 2023 Meeting Minutes

**APPROVAL OF MINUTES** July 25, 2022  
Not Available yet

**RESOLUTION #07-2023**

**APPROVAL OF MINUTES** January 30, 2023  
On a motion of Mike Vogt and seconded by Ken Wilkinson, the following resolution was  
**ADOPTED** Ayes 3 Hopkins, Vogt, Wilkinson  
Nays  
Absent 2 de Wit-Paul, McCarty

Resolved the Zoning Board of Appeals approve the January 30, 2023 meeting minutes as written.

**RESOLUTION #08-2023**

**APPROVAL OF MINUTES** March 27, 2023  
On a motion of Mike Vogt and seconded by Brian McCarty, the following resolution was  
**ADOPTED** Ayes 4 de Wit-Paul, McCarty, Vogt, Wilkinson  
Nays  
Absent 2 Hopkins. Gsellmeier



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Resolved the Zoning Board of Appeals approve the March 27, 2023 meeting minutes as written.

**OLD BUSINESS**

1. Tax Map #101.70-1-13.11  
Mark Seaman  
5706 East Lake Road  
Conesus, New York 14435  
(585) 303-4021

Mr. Seaman is requesting an Area Variance to construct a new ranch 20' x 27'. This does not meet zoning code 155-43 E: Single-wide replacement may only take place in pre-existing parks; all others have to be double-wide. Mr. Seaman will require three (3) variances, one for lot coverage, another for lake setback and road setback. The existing footprint is 8' x 27' for the trailer and an addition of 12' x 16'. The Board would like to see what the elevation at the top of the break-wall is on the survey map and to show the 2 parking spaces.

**RESOLUTION #09-2023**

**APPROVAL TO SCHEDULE A PUBLIC HEARING FOR TAX MAP #110.70-1-13.11**

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

<b>ADOPTED</b>	Ayes	5	de Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson
	Nays	0	

Resolved the Zoning Board of Appeals approve scheduling a Public Hearing for Tax Map #110.70-1-13.11 on May 22, 2023 at 7:00 PM.

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**NEW BUSINESS**

1. Tax Map #110.55-1-49  
Timothy Fitzpatrick  
5751 Mariners Drive  
Conesus, New York 14435

Mr. Fitzpatrick is requesting an Area Variance to replace the old accessory building with a new one (8' x 16'). This does not meet zoning code 155-38 4b: Fails to meet 5-foot side yard setback.

**RESOLUTION #10-2023**

**OPEN PUBLIC HEARING FOR AN AREA VARIANCE OF 5 FEET FOR TAX MAP #110.55-1-49**

On a motion of Mike Vogt and seconded by Brian McCarty, the following resolution was

<b>ADOPTED</b>	Ayes	5	de Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson
	Nays	0	

Resolved that Chairman Hopkins declare the Public Hearing was duly published in the Livingston County News on April 20, 2023 and opened tonight at 7:15 PM.



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**RESOLUTION #11-2023**

**CLOSE PUBLIC HEARING FOR AN AREA VARIANCE OF 5 FEET FOR TAX MAP #110.55-1-49**

With no one wishing to speak either for or against, on a motion of Mike Vogt and seconded by Brian McCarty, Chairman Hopkins declared the Public Hearing closed at 8:04 PM. Motion was carried unanimously.

The Zoning Board of Appeals has taken into account the following factors. The Area Variance was not an undesirable change in the character of the neighborhood, or a detriment to nearby properties. Whether the applicant can achieve his goals via a reasonable alternative which does not involve the necessity of an area variance is not applicable. The variance was not substantial. The variance will not have an adverse impact on physical or environmental conditions in the neighborhood or district (i. e. noise, drainage, traffic). There has not been any self-created difficulty.

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.

**RESOLUTION #12-2023**

**APPROVAL OF AN AREA VARIANCE OF 5 FEET FOR TAX MAP #110.55-1-49**

On motion of Alissa de Wit-Paul and seconded by Mark Hopkins, the following resolution was

**ADOPTED**      Ayes    5            de Wit-Paul, Hopkins, McCarty, Vogt, Wilkinson  
                     Nays    0

Resolved the Zoning Board of Appeals approve the Area Variance of five (5) feet on the west side setback for Tax Map #110.55-1-49 located at 5751 Mariners Drive currently owned by Timothy Fitzpatrick.

**GENERAL DISCUSSION**

- Update on solar law review

With no further business, on a motion of Alissa de Wit-Paul seconded by Brian McCarty, the meeting was adjourned at 8:13 PM. Motion was carried unanimously.

Respectfully submitted,

Carol Crane,  
Zoning Board of Appeals Secretary